THEORIES OF KINGSHIP IN ANCIENT INDIA

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May - 1932

Publication No. 396
First Edition : October 1960

Rs. 4-00

PRINTED AT
SWATANTRA ART PRINTERS
VIJAYAWADA - 2

PREFACE

The ideas advanced in this paper are suggestive rather than exhaustive. I have not been able to utilise all the material I collected, as this paper is written to fulfil certain requirements of a course.

— The Author.

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I. INTRODUCTION

1

A conception of history laid in nature is the essential preliminary to any sociological doctrine which can claim the title of science. So true is this that no study of social life can have any scientific value except in proportion to the degree in which it inclines towards a materialist explanation of this topic. Materialist explanations are more and more in vogue wherever men of science devote themselves to the task of discovering the causalities between phenomena. In actual fact persons [1] who, far from being open advocates of the materialist conception of history, have never even heard of it, none the less act as materialists in their historical researches.[2] "It is not man's consciousness that determines his existence, but

1. Like Henri See "The Economic Interpretation of History", translated by M. M. Knight, 1929. H. J. Laski, "Communism;". Benedetto Croce, "Historical Materialism", translated by C. M. Menedith, 1922. Rodolofo Mondolfo, "Le Materialisme Historiane" traduit de l'talien Par le Dr. S. Jankelevitch, 1917. Antonio Labriola "Essays on the Materialistic Conception of History", (1896), translated by C. H. Kerr, 1908.

2. G. Plekhanov, "Fundamental Problems of Marxism", translated by P. Ryazanov, p. 59.

his social existence that determines his consciousness." This was the conclusion that Marx arrived at in 1844. [1] He set forth this conclusion in the preface to his "Critique of Political Economy", published in 1859. Three quarters of a century have passed, yet the dictum, as Groce puts, is gaining fame and strength. It was not a Marxian but a timid socialist Robert Owen [2] who exclaimed in 1821, that "man is the creature of circumstances. He really is, at every movement of his existence, precisely what the circumstances in which he has been placed, combined with his natural qualities, make him." Again it was a Catholic Acton who thinks that theories arise out of the conditions around. [3] Some names provoke violent prejudices. Some evoke admiration. Some instill acquiescence. But Marx like Buddha provoked many prejudices. Mondolfo thinks that the word 'materialism' is unfortunate. The Marxian conception is rather a realistic conception, as opposed to Hegel's idealistic conception. Marx reasons not from the idea but from concrete human needs. [4] Such a realistic interpretation of history is a sure background for all our ideologies.

1. H. See op. cit., p. 47.

2. Robert Owen, "Report to the County of Lanark", 1821, p. 41.

3. Lord Acton, Cf. John Dewey. Lord Acton, History of Freedom and other Essays (Essay on Nationality) 1909, p. 272. John Dewey, "The instincts do not make the institutions; it is the institution that make instincts."

4. H. See, op. cit., p. 126.

Elentheropoulos [1] contends that the philosophy of every epoch expresses the outlook on the universe and on life proper to that epoch. This is not a new theory. Hegel already pointed out that every system of philosophy is nothing more than the ideological expression of its time. But in Hegel's view the peculiarities of the different epochs, and consequently, the corresponding phases in the development of philosophy, were determined by the movement of the Absolute Idea. According to Elentheropoulos, on the other hand, every epoch is mainly characterised by its economic condition. The economic life of each nation determines the philosophy of that nation, or rather, determines its outlook on the world, which finds expression in its philosophy. As the economic foundation of the society undergoes changes, there is a concomitant change in the ideological super-structure. [2] Broadly speaking, the relation between "foundation" and "superstructure" expresses itself into various processes. Firstly, there is the State of Nature and its History. Secondly, there is the relationship-political, social, or econmic-which is conditioned by these forces of nature and history. Thirdly, there is the socio-political regime erected upon this given economic,

1. A. Elentheropoulos, a Greek author whose principal work, "Wirtschaft und Philosophie (Vol. I, Die philosophie und die Lebensauffassung des Griechentums aus Grund der Gesellschaftlichen Zustande", and Vol. II, Die Philosophie und die Lebensauffassung der Germanisch-Romischen Volker) was published at Berlin, in 1900, quoted Plekhanov, op. cit., p. 64.

2. Plekhanov, op. cit., p. 65.

social and political foundation. Fourthly, there is the psychology of man in society, determined in part directly by economic conditions,[1] and in part by the whole socio-political regime erected upon the economic foundation. Lastly various ideologies arise, reflecting this psychology.[2]

Such a realistic interpretation of Indian culture brings out several significant points. In the first place, it brings into ridicule the traditional idea of the immobility of Hindu ideas and institutions. This immobility is only of a recent growth. Sir Henry Maine[3] has pointed out how in the case of India, British rule has crystallized many customs and ideas which otherwise would have gone overboard. The same is true of Indian States.[4] The British rule has created, legalized and protected these States. Two stages of immobility could be noted. The first stage begins from 7th century A. D. to 16th century A. D. This is the period of Moslem domination in one way

1. The Word, 'Economic' is used in a monistic sense. The traditional divisions of the branches of knowledge (like political, social, economic) is given up by Marxians. See Labriola, op. cit., p. 140, 151. He calls this monistic conception unitary theory. A. S. Sachs, "Basic Principles of Scientific Socialism" 1925, regards historical materialism as monistic materialism. See, M. M. Bober, "Karl Marx's Interpretation of History", 1927, p. 322.

2. Plekhanov, op. cit., p. 72.

3. Sir H. S. Maine, "Village Communities" 1st Chapter.

4. Rushbrook Williams, "Cultural Significance of Indian States".

or other. Most of the ideas and institutions got stratified during this period. Still they reacted to Moslem forces. The second period extends from the days of the East India Company to the "Indian Mutiny." Again during this period immobility was thrown out. After 1857 India became receptive to western ideas.[1]

Ancient India knew no such immobility. It has contacts with China, Babylonia, Egypt, Rome, Greece, Indo-Nesia, Africa and Phillipine Islands. It was a period of unceasing mutation. Buddhism and Jainism represent Asiatic Reformation. We can see on a wide scale the development of ideas and institutions. The silver age of Harsha, the golden age of the Guptas and the splendid age of the Mauryans – they have not been uniform. The political and social organization of the Andhras, Chalukyas and Pallavas differed from those of the Pandyas, Cheras and Cholas, if not in content at least in form. The constitution of the tribes and clans, later on the division of the society on functional lines into castes and guilds, the monarchical institutions, the republican institutions which abound in Buddhist literature and continued up to the time of Moslem conquest in the mountain fastnesses of Rajaputana, the 'Kingless States' of Pali literature, the Buddhist and Jaina Samghas, the village Sabhas and Samajas, the Ganas – they are not uniform. Even

1. See P. Sorokin "Social mobility", 1927, p. 145, 160.

literature was not uniform. It was Bhandarkar [1] who taught us that the Gupta period saw the wholesale revision and adaptation of Brahmanical literature, in order to suit the altered conditions of the day and the militant character of the neo-Brahmanism or Hinduism. Jaina literature also adopted the Sanskrit literature to suit its own doctrines. Religion also underwent a change. The Vedic religion, reinforced by Upanishads gave way to Buddhism and Jainism, when later the Saivite Saints, Alvars, Sankara and Ramanuja asserted the old Brahmanic religion. Much altered, it found expression in eclectic Bhagavadgita. There was such mobility because the conditions were changing. Invasion after invasion poured forth the Asiatic barbarians into the fertile tracts of Hindustan. Ideologies came into conflict. Races came into clash. Institutions changed and gave way to new ones. Ancient India was a veritable seething cauldron of discord, and conflict because of the admixture of opposing cultures. All this mobility arose out of the actual conditions. Even in the two stages of immobility one can note

1. K. V. R. Aiyangar "Considerations on some Aspects of Ancient Indian Polity" p. 34. H. G. Wells, "A Short History of the World" (Labour Publishing) p. 91–95. T. W. Rhys Davids, "Buddhist India", p. 23). "Then suddenly and almost simultaneously and almost certainly independently, there is evidence about the 6th century B. C. in each of these widely separated centuries of civilizations (China, Persia, Egypt, Italy, Greece, India) of a leap forward in speculative thought, of a new birth in ethics, of a religion of conscience threatening to take the place of old religion of custom and magic."

ideological mobility. Basavalinga started a movement of revolt against caste system, only to be buried. Chaitanya flooded the whole of India with his gospel of equality, only to tighten the bonds of caste. Vemana arose in the South, only to be hushed by the titanic Brahmin structure. All these ideological ferments were reformist in character. They were utopian in nature. They did not carry their conclusions to their logical end. Hence they all died away in the immensity of institutions which they attacked.

In the second place, such a realistic interpretation of history brings out the nature of the class and race struggles in ancient India. Ancient India was class and race conscious. It began with the rivalry between Aryans and Dasyas. The Dasyas were always vilified by the Aryans. The Vadic hymns [1] contain nothing but hatred against these Dasyas. The Aryan society in which the hymns of the Rigveda took their present form may have contained several racial and class elements. It is laid that its head was a foreign race of fairer skin and Indo-Germanic speech, warriors and priests proud and jealous of their blood and traditions; its feet was a mixed populace of which the more civilized elements had learned something of the arts of peace from the Dravidians, whom they had

1. Rig Veda X, 89, 18; Rig Veda, i, 133, 5; Ibid., X, 87, 2; Ibid., i 182. 4; Ibid., Viii, 96, 13. These hymns also invoke aid for prosperity. They prayed for success in agriculture, for victory over Pasus. For summary see S. V. Viswanatha, "Racial Synthesis in Hindu Culture", 1928, pp. 35-66.

incorporated and perhaps even borrowed some words of their language, while the lower strata were wallowing in savagery.[1] Ancient India, like the modern, was an ethnic pageant. Conflicts occurred, and they are bound to occur. Buddhism delivered a mighty challenge to the pretences of the various classes that arose during that period. The Brahmins were the dominant class. As I show later, they monopolized all power. Their ideologies were born of that power, to preserve the status quo, to discourage initiative and to suppress democratic movements. A page from Pargiter reveals the absurdities of the claims of these Brahmins.[2] They invented a social myth, an organic theory of caste. They say that the Brahmins sprang from the mouth of God, the Kshatryas from His arms, the Vaisyas from His thighs, and the Sudras from His feet.[3] Could class conscious ideology go further? Again a Sudra should not hear the Vedas (the scriptures). If he does, his ears shall be sealed with molten lead. So says Manu, the high priest of Brahmanism. All the law books prescribe differential treatment. It smacks of the proportionate justice of Aristotle. Justice is

1. L. D. Barnett, "Antiquities of India", p. 3.

See also D. Bhandarkar "Foreign Elements in Hindu Population."

2. F. F. Pargiter, "Ancient Indian Historical Tradition", 1922, p. 32-33.

3. Rig Veda X, 90. Atharva Veda 1, 9, 3; X, 6, 31. Aitareya Brahmana VI sec. I, I. Taittiriya Brahmana I, 2, 6, 7; III, 2, 3, 9. O. N. Ghoshal, Hindu Political Theories, pp. 46. 48.

rendered according to the station of man. The social order acquired a divine sanction. The so-called primacy of the Brahmana, the strength of the Kshatriya, the utility of the Vaisya, and the low position and dependence of the Sudra were all assured. The Brahmanas enjoy the special protection of the Gods. They are the representatives of Gods. They are veritable Gods on earth. Their persons and property are inviolate.[1] It is to protect all these that Brahmins erected a socio-political structure. In order to justify these institutions, they invented the ideology of caste system, the myth of organic theory, the divine right of kingship, and the primacy of birth. When we come to the Buddhist literature, we find the theory of Brahminhood-class dominance-attacked on biological, ethical and historical grounds. Vasettha Sutta of the Sutta Nipita, Ambattha Sutta, Sonadanda Sutta,[2] Dhamma-pada-[3] all condemn the class-dominance theory of the Brahmins. Buddha always emphasised that the distinctions made between different men are mere matters of prejudice and custom. It is wisdom and goodness that make the only valid distinction that make a man a Brahmin.[4] Similar arguments

1. Beni Prasad, "The Theory of Government in Ancient India" 1927. p. 15.

2. T. W. Rhys Davids, "Dialogues of Buddha" (S. B. B. Vol. II) For Ambattha Sutta see p. 96 et. seq. For Sonandanda Sutta see p. 137 et seq.

3. For Dhamma pada. translated by Max Mueler, Pali Text Series, Edited by Fausobol.

4. Rhys Davids, cited above, p. 104.

frequently occur. In the Madhura Sutta, a dialogue between the king of Mathura and Kakkana, the point raised is whether the Brahmins are right in their exclusive claims. "The Brahmins say this, Kakkana: "The Brahmins are the most distinguished of the four divisions into which the people are classified. [1] Every other division is inferior. The Brahmins are the white division. All the rest are black. They are accounted pure, the legitimate sons of God, born from his mouth and specially made by him." Buddha's answer is, first to remind the King of the actual facts of life-how a prosperous member of anyone of the four vannas (colours) would find members of each of the other three to wait upon him and serve him. There was no difference between them in this respect. Then, secondly he pointed out how a wicked man, whatever his vanna (colour) in accordance with the doctrine of Karma acknowledged by all good men, will be reborn in some state of woe; and a good man in some state of bliss. Thirdly, a criminal, whatever his vanna (colour), would be equally subject to punishment for his crime. And lastly a man, whatever his vanna (colour) would on joining an order, on becoming a religieux, receive equal respect and honour from the people. [2]

1. Literally 'are the best colour' (Vanna with reference to the well known classification into four vannas, neither of which was a caste).

2. This Madhura Sutta has now been edited and translated with valuable introduction and notes by Mr. Robert Chalmers in the Journal of Royal Asiatic Society. 1894.

A Brahmin might object that all this ignores the important point that the Brahmins were originally born of Brahma and are his legitimate heirs. It was this claim to special connection with the mysterious powers of a supernatural kind, so widely believed in those days, that formed their chief weapon in the struggle. We find the Buddhist reply to that in the Agganna Sutta of the Digha.[1] It is a kind of Buddhist book of Genesis. In it the pretensions of the Brahmins are put forward in the same terms as those just quoted above from the Madhura Sutta.

Gotama replies that they make these claims in forgetfulness of the past. The claims have no basis in fact. It is righteousness and not caste distinction (vanna) that makes the real difference between man and man.[2] Do we not daily see Brahmin women with child and bearing sons just like other folk? How can they then say that they are born of God? Had Buddha's views on the whole question won the day – and widely shared, as they were, by others, they very nearly prevailed – the evolution of social grades and distinctions would have gone on India, on lines similar to those it followed in the west, and the caste system of India would never have been built up.

1. The larger portion of this Sutta (from the beginning of the genesis part down to the election of the first king) is also preserved in the Mahavastu. See Senart's Edition, Vol. I, pp. 338–348.

2. The words here are quoted in the Malinda, Vol. I, p. 229. Rhys David's translation.

Buddha represented the progressive social policy of his day. His analysis of the objective situation around enabled him to set the class dominance of Brahmins and their ideologies. He opposed them with all the knowledge he could command at that time. He emphasised rational terms to metaphysical terms. His limitations were those of the age. Yet with all that, he challenged the class structure of the Brahmins. Buddha was a Kshatriya. He was a noble. He mobilized a mass movement. But it later decayed because his movement was reformist. [1]

In the third place, a realistic interpretation of history brings out another significant fact. It is the sociological import of religion. Politics and theology, when closely connected, bring forth a theory of divine right of kings.[2]

1. Many other instances of this class struggle could be given. Asvagosha in "Vajrasuchi" attacked caste on psychological grounds. All human beings are in "respect of joy and sorrow, love, insight manners and ways, death, fear and life all equal." G. K. Nariman, "Literary History of Sanskrit Buddhism from Winternitz, Sylvan Levi, Huber," 1920, pp. 36–40; 200–201. Majjhima Nikaya 84, Madhina Sutta, See also Vinaya Pitaka, Chullavagga, IX. 1, 4. Vdanavarga translated by W. W. Rockhill, Ch. XXXIII. Dhammapada, Ch. XXVI, translated by Max Mueller, p. p. 90–96. Tamil Literature also contains attacks on class ideology. See Manimekhalai, translated by K. S. Aiyangar, Book XXII, p. 171. For *Kapilar* see K.S. Pillai, 'Tamils 1800 years ago', p. p. 196–198. C. E. Gover, "The Folk Songs of Southern India. 1872. Telugu and Kanarese Literature also has attacks on class ideology. *Sarvajna* (1600 A. D.), *Vemana* Do. No other ideology has led to such polemical literature as class ideology in India.

2. N. Figgis, "Divine Right of Kings", p. 11.

But they are not independent of the society. They have their roots in the society. It is high time we should abandon religious somnambulism. As the biologist Huxley [1] insists, religion is not an instinct, it is a cheap wisdom which preaches that "politics" is a gift with some people. It is a superstition which is as baseless as the Spanish superstition of Blue Blood. [2] Politics and Religion "are the creation of circumstances and human forces." They are the product of society. [3] They are expressions of the economic conditions around. India is an immense sponge of religious ideas. It is not because that Hindus are mystical. It is because at a stage of her culture the Brahmins – being the dominant class – have taken advantage of the forces around, created ideologies and political structure suitable to their preservation. They successfully built their structure, retaining the important and conceding the unimportant. They grounded habitual obedience. They needed an Austinian determinate superior. They found him in a king who would protect them. Religion in India even today is an ideological expression of class dominance. Political supremacy fostered religious ascendancy [4] and vice versa. This was clearly illustrated in the Gupta and Asokan Empires. The Asokan Empire propagated Buddhism. The Gupta Empire

1. Julian Huxley "What dare I think ? " p. 9.

2. Jayaswal, op. cit., p. 210.

3. E. Durkheim, "The Elementary Forms of Religious Life", translated by J. W. Swain, 1922, p. 10, 1419.

4. Pargiter, op. cit., p. 3.

revived militant Brahmanism. This is another striking illustration of Religion being a tool in the hands of class ideologists. This is seen in Brahmin and Buddhist literatures. All scholars agree that Brahmin evidence is worthless. The more Brahmanical a statement is, the less trustworthy it is.[1] The Buddhist evidence is polemical. Nevertheless it is trustworthy. A Brahmin attached high value to the Veda – to dispute it is blasphemy. He claimed even a higher merit for Puranas (Brahmanic productions). It is said that the Purana destroys all sin.[2] It gives every blessing and even final emancipation from existence.[3] It bestows union with Brahma.[4] It raises one to Vishnu.[5] It gives blessings equal rather superior to anything that Vedas could give[6] because it maintains their social order. These Puranas have the authority and stupidity of Pope's Encyclicals. Further a Brahmin has arrogated to himself the monopoly of revelation, religious ceremonies and rituals.[7]

1. Pargiter, op. cit., p. 13. Rhys Davids, the great Buddhist scholar is of this opinion: A glance at the abusive literature confirms this idea. They called the Dasyas, noisiless people. They called them Demons, monkeys. "This abusive use led the attribution of evil characteristics to such people, who were then described as demonic beings. Pargiter, op. cit., p. 291.
2. Vayu Purana. 103, 55, 58; Vishnu Purana VI, 8, 3, 12, 17.
3. Brahma Purana, 245, 32–3; Padma Purana, I. 62, 20–23.
4. Vayu Purana, 103, 57.
5. Matsya Purana, 291, 32.
6. Linga Purana. II, 55, 40–1.
7. Pargiter, op. cit., p. 31.

Antonio Labriola, for example, has endeavoured to show that the history of Christianity can be largely if not entirely explained by the evolution of property and the organization of labour-that is by the economic life.[1] These phenomena alone, he declares, can explain how a "society of equals" such as existed in primitive Christianity, could become a church dominated by a strict hierarchy, a state organization, exercising political influence and a conservative social force.[2] *Max Weber* and *E. Troeltsch* have proved that calvinistic and especially Puritan theology powerfully contributed to the formation of modern capitalism. *Tauney* substantially follows the same argument with a few modifications.[3] According to *Sombart*, the formation of capitalist mentality is to be attributed to the Jews and puritans.[4] One cannot read the contemporary documents without being aware of the fact that the Protestant Reformation was a political revolution, chiefly incited by an economic grievance.[5]

1. Antonio Labriola. "Socialisme et philosophie" pp. 147 et seq. See Georges Porel, "La ruine du monde antique" for influence of economic considerations on church.

2. H. See op. cit., p. 95.

3. R. H. Tauney. "Religion and the Rise of Capitalism," 1926, See Max Weber, "General Economic History" translated by F. H. Knight, Ch. 30.

4. W. Sombart, "The Jews and Modern Capitalism", 1913.

5. V. G. Simkhovitch, "Marxism Versus Socialism.', 1913, p. 37.

Let us apply this criterian to India. As Durkheim insists, it is Brahmanical speculation that prepared the way for Buddhism and Jainism.[1] All Hindu religious ideas are born in the society. The Vedic religion is the product of the Vedic society. When the Aryans came to India, they invoked the Gods to help them win wars against Dasyas, because the Dasyas had prosperous cities. They were highly civilized though not well armed.[2] It is the economic insecurity that led the Aryan in a bleak Himalayan background, to look to God for protection against Dasyas. The division of the sacred and profane was done in society because it was based on trial and error method. That God to whom is attributed success is auspicious, that to whom is attributed failure is profane. Animism has its spiritual background in material environment. The Vedic hymns loudly attest to the purpose for which they were invoked. They were invoked mainly for their defence and protection. Later when we come to Brahmanas, Puranas and Upanishads we find mention of sacrifices and gifts to Gods. Those that received these gifts were the Brahmins. They made their economic position quite secure by receiving gifts. In fact they made them obligatory. They invented ceremonials. But the existing practices could be explained by the material circumstances. Magic has its origin in repelling an invader. By the sixth century

1. Durkheim, op. cit., p. 33.
2. Pargiter, op. cit., p. 290.

B. C. Brahmanism was getting powerful. Historical events have a nasty habit of flying in the face of prophets.[1] They certainly flew against Brahmins in the form of Buddhism. In times of faith which Brahmins reduced to a science of habitual obedience social upheavals naturally took a religious cast.[2] Buddhism represents a social revolution. That is why it took a religious turn. The influence of religion is also seen in Temple Property. All the donations were to be administered by the priests for the benefit of the gods. He has to light a candle. He has to feed the poor. He has to bathe the idol gods. Instead, he never lighted the candle. He never washed the idol. He never fed the poor. He let the bats and pigeons roam at will in the precincts of temples. Above all he claimed exemption from taxation.[3] The priest knew that the property was his. That is how the Brahmin freed himself from economic insecurity and bagan to peddle and trade in politics with his wares of "Absolutism" "Divine Right of Kings" and "Revelation".

Religion in India is synonymous with Brahmanism. It has been tempered by historical events. Still the Brahmanic ideology dominates. Samuel Butler once defined faith as the power of believing things that we know to be untrue. It is this power that the Brahmin wove into the framework of society. It is this power

1. Leo Jacobs, "Social Thinking Shackled", 1931, p. 165.

2. H. See op. cit., p. 96.

3. Dikshitar, op. cit., 186-7. South Indian Inscriptions, ed. by Hutsch, Vol. ii, Pt. I, No. 22. Manu, i, 88; X, 75.

that was the basis of his organic theory of cast based on social inequalities. It is this that gave rise to the theories of Brahmin supremacy.

Summing up, " in their productive activities, men form certain necessary and inevitable relations independent of their own will. These relations correspond to a certain degree of development in their material productive forces. The sum total of these relations forms the economic structure of society, the real foundation on which the legal and the political superstructure is erected, and to which certain definite social forms of consciousness correspond." [1] This is the theory of historical materialism. Together with the theory of dialectics, they explain the tremendous conflict of ideas that occured in Ancient India, the class and social struggles and the religious character of Hindu political ideas. It is in this background that I intend to discuss the theories of kingship.

2

A history of political thought consists not only in considering political classics but also the significant events of history. Unfortunately for us the history of India is still in the making. The greatest drawback of

1. Marx, quoted n H. See op. cit., 47. Simkovitch, op. cit., p. 31. "Scholarly Criticism, like that of Stammler, Seligman and others, has considerably broadened and modified the theory *but has not overthrown it.*

For R. Stammler, see "The Theory of Justice", translated by I. Husik, 1925, Appendix II, pp. 563 and 579.

Indian civilization is absence of historical literature. India never produced a Xenophon nor a Thucydides.[1] History is one weak spot in Indian literature.[2] It is non-existent. It did not call forth a historian.[3] Of late, Indian history is reconstructed out of literary, numistractic, inscriptional evidences. It has been supplemented by accounts of foreign travellers. Still it is incomplete. As such we have to be very careful of the interpretations we may advance.

As for political classics, since the discovery of Artha Sastra,[4] there has been a regular crop of books. A national historical school arose, much to the detriment of scholarship. Jayaswal set the ball going. He made a special study to find out what constitutional progress, if any, ancient Indians had achieved. In 1911 and 1912 some results of the study were published in the legal journal, the "Calcutta Weekly Notes" and the Calcutta Monthly "Modern Review." A connected paper was read to the Hindi Literary Conference in 1912 and its translation published in the Modern Review, 1913 under the title "An Introduction to Hindu Polity."

1. Rajendra Lal Mitra "Antiquities of Orissa", 1875, Vol. I, p. 1.

2. A. A. Mac Donnel, "A History of Sanskrit Literature" 1899, p. 10.

3. Max Mueller, "History of Ancient Sanskrit Literature" reprint 1912. First published 1859, pp. 10 and 16. Cf. V. A. Smith, "Akbar", p. 5–6.

4. By R. S. Sastry, in 1906.

Before the publication of the Introduction there had been no work in any modern language on the subject. The introduction fulfilled its purpose. Today the subject finds place in University teaching. All the references in Jayaswal's studies have been appropriated by subsequent writers. Today these studies spread to Italy. Carlo Formischi,[1] Botazzi[2] and others have taken to the study of Hindu political theory. It has spread to Germany[3] and France. England did not take to this study. It is important to note the circumstances in which this school arose. The dominant ideas about India held by western scholars, as well as British administrators are that India knew no other form of government but despotic monarchy and that there is very little of political thought in India. So much so, these ideas are often repeated as a cause for the withholding of progressive responsible self-government. Naturally, as a sort of defence, since the discovery of Arthasastra, writers have taken themselves to the study of Sanskrit literature, with a view to obtain glimpses of political thought. Between 1906 and 1924, there has been a regular crop of books on Hindu political thought. Thus arose the national historical school. It is true, as Dean Pound observes,

1. Carlo Formischi, "The Hindus and Their Political Science" Bologna, 1899.

2. G. B. Botazzi. Precursors of Machiavelli in Greece and India – Thucydides and Kautelya," Risa, 1914.

3. Meyer, "Studies in Arthasasthra."

that the historical school [1] need not necessarily be national. But in the case of India, due to her political circumstances, this historical school has taken a nationalistic turn. [2] Consequently such school failed to be objective. There is much loose talk about writing an objective history. In one sense, history could never be written objectively. Even Oman, when he comes to treat about the Norman conquest, betrays his violent prejudices as much as he does when he treats of the Indian Mutiny. Nevertheless history could be written objectively, not in the sense of presenting two sides in a so called academic fashion, but in the sense of estimating the significance of the forces in the light of the knowledge then existing. History is evaluation, in terms of what Bukharin calls, of the specific weight of the objective, progressive social force prevailing at a given movement. Every age is dual. It contains its own corrective. The corrective embodies the "conceptualized knowledge" (social force) in abstraction. This is the measure by which inadequacies of historical movements could be noted. This measure is a part of what is. It is not of what ought to be. It is a part and parcel of the existing reality. In this sense objective history could be written.

But the Indian historical national school failed in two respects. In the first place they failed to take

1. Roscoe Pound, "Interpretations of Legal History" 1923, p. 19.

2. Cf. Sir P. Vinogradoff, "Historical Jurisprudence", 1920, Vol. I, p. 124–135.

into account the objective situation, that is the existing reality around. They can be excused because there is no correct Indian history yet. Within limitations, they could have done better. Secondly they failed to appreciate the existing social forces, the trend in which they were moving. In this way alone could the movements of Buddhism and Jainism be evaluated. Instead of writing history in this way, they simply challenged western nations much to be detriment of the solution of Indian problems. Yet this school has rendered yeoman service. It cleared the debris for an interpretation of Indian history and culture in the light of dialectics. It dispelled the idea of the Hndu other-worldliness. It showed a few dazzling ideas comparable to Pluto, Machiavelli and Rousseau.. It unearthed the republican constitutions of Kshatriya clans-men, the democratic centralism of the Buddhist Sanghas, and an organic theory of State founded on social inequalities. Therefore one has to note the contradictions of this school, for an objective survey of Hindu political theories.

In this paper, I am concerned with Hindu political concepts or ideas rather than with actualities. Concepts have their value. They have ideological significance. According to Kantorowicz, [1] a concept is not a proposition. It can neither be true nor false. It cannot amplify our knowledge. It may be useful in classifying it. Despite him concepts have a significance in

1 H. Kantorowicz, "The Concept of State" Economica, Feb. 1932, No. 35, p. 5.

so far as they are abstractions of a given phenomenon. They are as liable to be classified as true or false as any scientific concepts.

Ideas and institutions are closely related together. They have their roots in the material circumstances in a historical background. Theory never moves very far away from the actual conditions of public life, yet the two things are different.[1] When we come to the Buddhist theory it is very difficult to differentiate the two. Buddhism is a historical category arising out of decadent Brahmanism. It is unintelligible save in the context of Brahmanism. The movement in political speculation of which Locke stands at the head was the result not of a pure development of scientific ideas, but of the necessity for having a theory to justify accomplished facts. Locke's essay on "Civil Government" is in truth an elaborate apology for the revolution of 1688.[2] He is its theorist,[3] as James is the theorist of strict absolutism. We have to keep this fact in mind. This essay is an attempt at a historical survey of ideas but not institutions.

3

The theories described in this paper are attempts, by a synthetic method, to collect together such information as could be got on the political ideas and the

1. Carlyle, Mediaeval Political Theory, vol. I, Preface V.
2. F. Pollock "History of the Science of Politics", 1833, p. 69.
3. H. J. Laski, "From Locke to Bentham", (H. V. L.) p. 1.

principles underlying the institutions of the Hindus for carrying on administration. A subject such as this can hardly be regarded as fully worked up until the ideals of government obtaining at the time when they happen to be set down in writing, whether as general principles in the Dharma Sastras (Law Books) or specific instructions in the Artha Sastras (Political Manuals), are clearly and fully exhibited in the first instance. When this is done the result has to be compared and checked by such information as could be gleaned from even didactic works such as the portions of the Maha Bharata bearing upon Raja Dharma (Political Science), for instance, and other chapters scattered through the work. This has again to be compared with such details as could be got from works of a similar character. These two items may be regarded as constituting the literary side of the work.

How far these ideas of literary men actually found vogue has next to be examined, and it can be done only by a study of the inscriptions ranging from the time of Asoka to quite modern times. The details that can be got in this body of records may not give us a general conspectus of Hindu political institutions as a whole. But such hints as we get may enable us, with the aid of the literary sources, to reconstruct to a great extent the institutions as they existed. This would prove a valuable source of confirmation of what we may be really able to reconstruct from the

literary sources alone. This can again be verified and checked wherever possible from accounts that we get of the institutions that prevailed at any particular time from foreigners that left accounts of them either by design, or when they made casual remarks regarding them, in the course of their writing on their themes. It is when all this work is done exhaustively that we can at all hope to obtain a picture complete in all its details of the political ideas of India under the Hindus.

What follows is an attempt at reconstructing Hindu political ideas primarily from the first of these four items, letting information whenever available from the other sources to fill in where necessary. This itself is inadequate. It may be that I may be enabled to complete the work in the future, but as it is, the work is an attempt at doing this and no more.

II. THEORIES EXPLAINING THE ORIGIN AND NECESSITY OF GOVERNMENT

(THEORIES OF THE STATE OF NATURE)

1

Institutions arise out of circumastances.[1] So does kingship. The rationalistic school assumed a state of nature which necessitated the rise of kingship. This is expressed in the concept of Matsya-Nyaya which occurs throughout the length and breadth of our literature. The guiding principle of this theory is "might is right". Literally rendered the term Matsya-Nyaya means "the logic of the fish", in other words the law of the greater fish devouring the small ones. We have descriptions of it in the Ramayana,[2] the Mahabharata, the Kautilya, the Smritis and even in many political works.

According to orthodox traditions as expounded in the Artha Sastra and the Itihasas, the original state of

1. Figgis, op. cit., p. 4, "A belief so wide spread (as that of Filmer) was surely the product far more of practical necessity than of intellectual activity. No enthusiasm for a scheme of ideal politics, no quasi-scientific delight in discussions upon nature of government could generate so passionate a faith. The pressure of circumstances alone could produce it." Cf. Lenin from "Infant le Sickness of Leftism," 1920, quoted in 'On Organization' 1926. p. 198. "Politics is a science and an art that did not come down from heaven and is not acquired gratis".....

2. Ayodhya Kanda 67 S1 8-13 Cf. Matsya purana Chap. CCXXV. V. 9.

nature was one of ideal bliss when people naturally led a moral life, perhaps born of regard for humanity in general. They were not bound down by laws or conventions and systems. The condition of existence in such a state of affairs was one of ideal happiness. "Men ruled themselves by Dharma (Law of Nature) and respected each other's rights, though there was no king no punishment or chastiser." [1]

This ideal state however did not last long. It gave place to a period of insecurity and even savagery when chaos and anarchy reigned supreme. Might was the order of the day. People had no regard for human and divine order. The very social existence was made impossible. It was felt that over the whole world were spread the wings of destruction and the day seemed not far off when it would reach its end. This peculiar state of nature is also described as Arajaka in the Santi Parva of Mahabharata, Arajaka simply means a state with no government. [2] According to the then prevalent standards, government was indispensable for a state. No government no state is the principle underlying the Raja Dharma section of the Mahabharata. Unprotected by an authority the state [3] becomes subject to plunder and devastation by marauders. People devour one another. Life becomes unsafe. A person cannot

1. Mahabharata, Ch. 59.

2. Arajaka is a state of anarchy as is explained in Chapts. LXVI and LXVII of the Santi Parvan.

3. The distinction between state and society should not be sought out at this stage of Indian culture.

enjoy the possession of his person and property. The wicked rob the weak and the innocent of their wealth, and themselves also suffer in turn. Women are forced to give up their chastity. The atmosphere is pervaded by an all-round darkness. Like fishes in a small pool of water, and like birds in the toils of hunters, people injure and kill one another. People in a state of anarchy are compared to a herd of cows without a cow-herd, and hence confront insurmountable difficulties in the maintenance of their family and property. The spiritually minded are often thrown into the jaws of death. No regard is shown to parents, the aged, priest, or the guests. The rich every day are murdered or put in chains. Women themselves become loose in morals. Agriculture, trade or commerce does not thrive. The Vedas begin to disappear and the performance of sacrifices ceases. There are no regular marriages, nor well-conducted assemblies. Unrighteousness and injustice prevail. There is an intermixture of castes, and religious authority is openly defaced. No one sleeps without fear, and famine stalks naked. As in the Mahabharata, so also in Manu Smriti, the word Arajaka equates with Matsya-Nyaya.[1]

1. Manu VII. 3. He says in states where government ceases to be, all people live in perpetual dread. In the absence of (coercion or government) the strong would devour the weak, as the spike the fishes. Ibid., VII. 20. The commentator Kullaka Bhatta gives another reading in this context. The same line occurs in Yuktikalpataru (Calcutta Oriental Series) 105. There is also another reading of the line in the Santi Parvan of the Mahabharata with a slight difference. (66. 16). It is also found in Vana Parvan of Mahabharata (Chap. CXC. 7-9).

The state of Arajaka is elaborately described in Ramayana. It is the prime cause of all ruin to the state. There will be no seasonal rain, no fruitful crops, no obedient son or wife, no private property, no truth, no assembly, no beautiful parks or sacred places of pilgrimage, no performance of sacrifice, no theatrical amusements, no festivals or festivities, no learned lawyers, no pleasure-drive with family in swift-going vehicles, no peace, no sleep for the rich even with doors shut, no learning or practice of arms, no caravan traders, no self-controlled men enjoying solitude and bliss, no army conquering hostile armies, no temple worship and no enjoyments of any sort. The kingdom without a king resembles a river without water, a forest without pasture and cattle without a cow-herd. In such a territory nothing is one's own. The people swallow one another like fishes. Thus both the Epics and the Dharma Sastras like Manu Smriti and the Puranas like the Matsya Purana are quite at one as regards the nature of an Arajaka territory. That this notion continued to prevail even centuries after is demonstrated from the election to the throne of Gopala of the Pala dynasty of Bengal. It is said that the people elected Gopala to free themselves from a state of anarchy, or Matsya-Nyaya. This Gopala was the father of Dharma Pala who lived in the ninth century A, D.[1]

1. Khalimpur Grant, "Of Dharmapala, Epigraphica Indica", vol. IV, p. 248. The name Dharmapala instead of Gopala is wrongly given in some recent publications.

There is again reference to this concept of Matsya-Nyaya in Raghunatha's "Laukika-Nyaya-Sangraha", a work attributed to the fifteenth century A. D. He explains this as occurring frequently in the Purana and in the Itihasa literature and quotes Vasistha in the course of Prahladakhyana.[1]

The main points in these descriptions are that they harp on the following:

1. In such a condition, the strong claim everything. Two unite against one and rob and despoil him. The weak invariably suffer.

2. The weak are enslaved.

3. Women are snatched away and violated.

4. The idea of private property or of ownership passes away.

5. With the passing away of private ownership or marriage social ties cease to exist.

6. Hence individual efforts or socio-economic activity ceases.

7. All primary social institutions being thus violated, social existence ceases.[2]

It will not be out of place to examine the concept of the state of nature in Buddhist literature. In it[3] we

1. The Pandit Series, 1901, p. 122.

2. The two best descriptions of anarchy are found in the 67th and 68th Ch. of the Santi Parvan, Mahabharata.

3. Rockhill, "Life of Buddha", pp. 1–7. The story is also to be found in the Agganna-Suttanta of the Dighamkaya. Vol. III. sec. 27, p, 93, Pali Text Society Edition.

also come across some pictures of the pre-political condition of mankind. The description is in the form of a historical narrative and merely traces the origin of kingship and explains why a king is called a Maha-Sammata and a Kshatriya. Here as in Mahabharata the state of nature may be devided into two stages of which the first one seems to be an era of bliss. Because of inquisitiveness and desire for food the primitive beings took to eating the rime which formed on the surface of the ocean and earth mingled together. "The complexion of those who ate but little of this food was clear, whereas that of those who ate much of it was dark." In this way distinctions arose, and they whose complexion was clear, were proud of it and became sinful, and iniquitous. Thus a period of gradual degeneration sets in, and this is the second stage of the state of nature. The distinction of sexes became prominent because of eating rice and the inevitable result of this was the evolution of love, lust and fornication. The conception of wrong was gradually emerging, but a wrong doer feels insulted, when some one exclaims, "thou doest that which is wrong." [1] The institutions of family and property make their appearance as a result of contract, [2] but it is soon found that some people do not respect the sanctity of property rights in the prepolitical society. When a man whose food has been stolen complains to others, saying that he has been wronged, the thief is reprimanded, but

1. Rockhill, op. cit., p. 4.

2. Ibid., p. 4–6. Cf. Locke "Civil Government" II, 5.

the men who caught hold of the thief and brought him before all, are also reprimanded because of their bringing him into their midst.[1] Such a state of society is surely unbearable, and the only way of escape lies in choosing one who will be the protector of the fields and who will receive the homage of all.

There is another theory which seeks to explain the origin of kingship in war. This theory is found in Aitareya Brahmana. It asserts that the Devas, i. e., their worshippers, the Hindus, originally had no king. In their struggle against the Asuras when the Devas found that they were repeatedly defeated, they came to the conclusion that it was because the Asuras had a king to lead them, they were successful. Therefore they decided to try the same experiment. And they agreed to elect a king.

> "The Devas and Asuras were fighting. The Asuras defeated the Devas. The Devas said 'It is on account of our having no king that the Asuras defeat us. Let us select a king.' All consented."[2]

Whatever the historical truth in this theory, the important point to note is that kingship is contemplated to be a necessity for leadership in war.

Such being the consequences of kingless regime, a ruler is according to them absolutely necessary to

1. Ibid., p. 6.
2. Aitareya Brahmana, I. 14.

maintain the primary institutions and to protect the subjects. Thus arose the idea of kingship.

After all, as Mac Ilwain observes, the history of political thought is history, and the tests ought to be historical rather than metaphysical.[1] Let us apply the historical tests to these theories of the state of nature. There is no definite historical evidence as to the existence of these states of nature. We have neither evidence for the golden age of innocence nor for the age of anarchy. Both are instances of man's inability to cope with the immediate needs of the society. A natural result of such an inability is a spiritual escape into a method of apriorism. The escape finds expression in a picture of an age of innocence or anarchy. A discovery of an unknown proposition to meet the existing situation is the result. A cause is sought for the effect. A rationalization is brought to explain the need or necessity for coping with the situation. In the Hindu, mind is fertile for apriori deductions. To him ideas are realities. The starting point of Hindu speculations are assumptions, no matter whether they are right or wrong. Assuming the truth of the propositions, the logical deductive conclusions that a Hindu draws are highly symmetrical and infallible. The two theories of the state of nature belong to this type of apriori thinking. They have no basis in history.

1. C. H. Mac Ilwain, "The Political Works of James I", 1918; Introduction, XX.

However they are valuable for the underlying ideas that they suggest. The chief contributions of Rousseau and Hobbes[1] lie in this. They unceasingly stressed upon the necessity of the machinery of government adapting itself to the needs of society. Government arises, as the needs arise. This is the lesson of Leviathan and social contract. This is the basic idea of the Hindu theorists as well. Instead of expressing realistically they chose the metaphysical way. The Hindu theories combined the realism of Hobbes and the idealism of Rousseau. Not only that, they gave priority to the state of innocence, preceding a state of violence. Stripped of metaphysics, the theories of the state of nature reveal some important political ideas.

1. They emphasise the need of government to meet the needs of society. A conception of an order regulating the affairs of men is fore shadowed. They emphasise the discovery of authority as necessary and natural to the regulation of human affairs.

2. They emphasise the need of coercion. It is not enough to have a ruler or an authority. It must be coersive. Without coersion the weak are bound to suffer, and all social conventions including the Vedic discipline and all other moral relations are likely to be swept away.[2] This coersive jurisdiction cannot be

1. W. Bagehot, "The English Constitution and other Political Essays", p. 288. Hobbes told us long ago and everybody now understands that there must be a supreme authority, a conclusive power in every state on every point somewhere.

2. 27 – 28 Santi Parvan, Mahabharata, Ch. 63

vested in ordinary subjects, since this would but result in the dominance of the same principle of tyranny of the strong over the weak.[1] Hence all coersive authority is to be vested in the king. He is to act impartially and administer the laws with a view to maintain the life, property and discipline of his subjects. Danda or coersion preserves the four orders and defines the limit of the activity of individuals and castes. Danda was thus conceived to be the basis of political society. It was regarded as the primary principle in the evolution of the state, of justice, of society. It was essential to the exercise of regal authority. In other words, the basic idea that these theories emphasise is that coersion is socially indispensable.[2]

3. They also emphasise the need of norms by which coersive authority is to regulate society. These norms were not of the creation of the coersive authority but exist independent of it. The Epic thinkers attribute a divine origin to these primary laws and principles. These came to be known as Dandaniti, a name often applied to the art of government by the Epic and Arthasastra thinkers.[3] While Epic writers attribute to Dandaniti a divine origin, the Dharma Sutra writers make them part and parcel of the divinely originated Dharma. Dharma is self-existent and upholds the

1. Ibid., Santi Parvan, Chap. 65, 27.

2. Ibid, Santi, Ch. 69, sec. 76, 103; Ibid., Santi, Ch. 15; Ibid., Ch. 121, sec. 60.

3. Mahabharata, Santi Parva, Chap. 59.

universe. In its concrete and social aspect it comprises the sum total of rules guiding the relations subsisting between individuals and their functions relating to the whole. Its various functions depend on the position of the individual in society. The transgression of Dharma leads to the disruption of harmonious relations in the universal system, and as such brings in a state of discord. In social life such discord produces evil, and to avoid such discords punishments are necessary, since thereby the normality of relations is restored. In political life, it is the duty of the king to enfore laws which exist apart from his authority.

Regal authority being of so vital importance, royalty and the office of the king came to be glorified. The Santi Parva chapters contain dessertations on the improtance of kingship and explain the social and ethical reasons which call upon men to respect the sovereign majesty of the king, though he was but an ordinary individual of flesh and blood like his subjects. The Mahabharata says :

> "In Raja Dharma (Political Science) are realized all forms of renunciation, in Raja Dharma are united all sacraments, in Raja Dharma are combined all knowledge, in Raja Dharma are centered all words." [1]

This is another feature that the theories of the state of nature emphasise. The Hindu theorists, having

1. Mahabharata : Santi Parva, Ch. 63. 28, 29, See Bandopadhyaya, op. cit., p. 287 et seq.

established the case for the necessity of government, next dealt with the theories of kingship.

At this stage it is important to discuss the point as to why the theorists took monarchy as the only form of government. At this stage of Indian culture and history the known form of government is Monarchy. There is abundant proof to this effect. It seems on the whole to be a historical fact that kingship was the normal polity of the early Aryans in India.[1] We come across the word Rajan which means the king or the person who rules.[2] That the family was of the patriarchal type is certain. The family unit effects in a large measure the political unit, and determines to some extent the economic organization of a nation.[3] Society was patriarchal. Their Vedic pantheon of Gods was also conceived in a patriarchal manner. Naturally the theorists having convinced themselves of the necessity of government, could not conceive of anything but patriarchal rule. They were circumscribed by prevailing modes of thought at that time. Society was patriarchal. The hierarchy of their Gods and Goddesses was patriarchal. Their authority was to be patriarchal.[4] That is why they came to the idea of kingship. Let us now examine the theories of kingship.

1. P. Basu, "Indo-Aryan Polity" 1925, p. 54.
2. Ibid., p. 55.
3. Ibid., p. 11.
4. Magasthenes records the Hindu tradition current in his time that monarchy was the earliest form of organized government in India. This is supported by Rigveda where Monarchy is the normal and the only form of government known. McCrindle, "Megasthenese and Arrian" p. 200. Jayaswal, op. cit., Part II, p. 3.

There are two traditional schools of thought, one describing the origin of kingship as divine, and the other human. In the Mahabharata Bhisma recounts how kingship was instituted when the world was in a state (in the sense in which Hobbes uses the term) and when people suffered untold misery arising from a state of anarchy, the Devas approached Vishnu and requested him to appoint the best leader of men. Then from his mind sprang Virojasa. But he did not wish for the overlordship of the earth. His son Kirtiman and his son Kavedama were of the same temperament. But Ananga, son of Kardama, ruled the people according to Danda Niti,[1] So also did his son Atibala. But his son Vena conducted himself badly by taking to unrighteous ways. The sages had him killed by the use of a charm. Out of his right thigh sprang Nishadas and Mlechchas. Out of his right hand came Vanya, accoutred in military attire and versed in Dandaniti. He satisfied the sages by promising to rule according to the laws of Dharma and to render even-handed justice by looking upon friend and foe alike. On this the sages vested him with the office of kingship and appointed Sukracharya his priest, while the Valakhilya sages and Sarasvata Ganas became his ministers. Garga was appointed astrologer, Suta and Magadha entered into their respective duties, and

1. The science and machinery of government. That is how Dikshitar translates. See V. R. R. Dikshitar, "Hindu Administrative institutions", 1929. p. 1.

Vanya's government was an ideal government. Wealth and treasure flowed from the mines of the land and the ocean, as well as from mountains. Under his rule the whole earth was tilled and cultivated with seventeen kinds of grain. He first got the name Raja by giving his subjects the greatest amount of happiness. He got the name Kshatriya for having freed the peoples from all their troubles. Under him again the earth became Prithvi for the king's name was Prithu. Even Lord Vishnu was pleased with his great acts and deeds, and entered his body. From that time onward Prithu became infused with divinity.[1]

In the Samarangana Sutradhara of Boja [2] the account of the origin of kingship resembles that of other texts in regarding Prithu as the first king. Here he is described as possessing prowess like Indra and the Lokapatas, and the strength and valour of the lion, the king of the beasts. While consecrating him, the creator addressed the people: "Prithu is the overlord of you all. He will afford protection to the good and punish the evil-minded. He will be a Nrupa by ridding you of all your fears. He will render even-handed justice and carry on an efficient administration so as to preserve the well-being of castes and stages of life." On this, the people addressed the king :

1. Mahabharata (Kumbakonam Edition) translated by P. C. Roy and M. N. Dutt, Santi Parva LVIII, 95–153; Niti Prakasa, Ch. i, 26 ff.

Samarangana Sutradhara of Bhoja, Vols. i and ii (Gaekwad Sanskrit Series.)

"O lord of the earth, shelter us from the sea of troubles in which we are struggling hard.' Prithu replied : "Do not entertain any apprehension. I shall free you from all your difficulties. I shall establish the Svadharma (the right to follow one's own duty), Varnashrama (the order of castes), and Asramadharma (the order of the stages of life), and enforce them with the rod of punishment. I shall establish hamlets, villages, townships and cities, and make the earth yield plenty. In this manner I shall endeavour to increase your happiness and prosperity to the utmost." [1]

There is vast testimony to the fact of the human origin of the institution of kingship. Kautilya says:

"Under the storm and stress of anarchy the people elected Manu as their king." [2] In this passage Kautilya lends the weight of his authority to the human origin of the state. The word 'people' distinctly emphasises the human origin of kingship. The state of nature became so depressing that the people had Manu, son of Vivaswan appointed as king. The terms on which the office was conferred on him are also given. The people agreed to pay 1/6 of the grains in kind, one tenth of other articles of merchandise, besides a portion of the gold in their possession. Such wages to the king were in return for his guaranteeing to the people their social welfare. Towards this end the

1. Bhoja, op. cit, Ch. vii.

2. Kautilya : "Arthasastra" translated by R. Shama Sastry. Book I, Chap. XIII.

king enforced order and obedience by varied forms of punishment, and by means of levy of several fees. In return for the king's protection, even hermits in the forest produced for him. The king was the visible awarder of punishment as well as favours, and hence he occupied a position only equal to that of Indra, the lord of heaven, and Yama the lord of justice. To disregard him was to incur punishment. On this account it was ruled that kings ought not to be disrespected.

The Santi Parva of Mahabharata has also reference to the story how Manu became the first overlord of the Earth. Here we meet with the peculiar doctrine of Samaya or contract. When anarchy showed its abhorred head, people felt the need for peace. Hence they entered into a compact among themselves to the effect that the boaster, the cruel man, the violator of woman's chastity, and of agreements in general should be banished from the land, so as to create ease and confidence among all communities. But still the arrangement was not fruitful. They appealed to Brahma who in turn appointed Manu, the best among men, to rule as well as reign. Manu realized to the full the responsibilities of ovrlordship and expressed his unwillingness to rule over a people addicted to untruth and all other sins. On this the people agreed to give one cow for every fifty cows sold or bought, one fifteenth of gold and one tenth of grains, besides an accomplished maiden in marriage and a number of armed men to follow him. In return they asked for

peace and protection. Manu accepted the office, and set out for conquest. People took to their own professions (Svadharma), and the social welfare of the world was accomplished.[1]

There are then two schools with different traditions, one describing Manu as the first king, and the other Prithu as the first king. The two accounts appear to be contradictory. Dikshitar tries to explain it in this way. Both of them agree in the theory of an original state of nature, when the laws of nature were highly respected and adhered to. The original state of nature became in course of time transformed into the Hobbesian state when on appeal the creator appointed Prithu to rule over the earth for the preservation of social well-being, according to Samarangana Sutradhara and other texts. After the lapse, perhaps, of several centuries commencing with Prithu, there again set in a state of anarchy, another form of the state of nature when the practice of Matsyanyaya (might is right) held sway in the realm of mankind. It was so distressing that people elected from among themselves the best namely Vaivasvata Manu as their overlord by entering into a contract with him. In this way he thinks that both the traditional accounts can be easily and satisfactorily reconciled. That Prithu was an earlier king than Vaivasvata Manu is evident from the fact that while there is reference to Prithu in Vedic

1. Raja Dharma (Mahabharata) Chap. LXVII, 8–30.

literature as the first of consecrated monarch.[1] There is no such reference to Vaivasvata Manu.

The two theories are remarkable in the history of Indian political thought. They are clearly based on two Vedic traditions. They differ in analysing human nature and thereby postulate two different states of nature like Hobbes and Rousseau. They came practically to the same conclusion. They both hold that:

1. Kingship is necessary for the existence of society.

2. The absence of regal authority leads to violence.

3. The king though he is vested with power and authority must be within proper limits.

But the main point of conflict of the two theorists lies in the fact that in one, kingship is regarded as a divine institution, though later on, the king's rights were put within bounds and he was compelled to take the oath, while in the other theory kingship is regarded as a human institution valued only for its utility.

It is difficult to decide as to which of the two theories is older. But it is quite clear that the theory of kingship is intimately connected with the Vedic tradition about Manu and his services to mankind. In later times, its influence on the evolution of Indian political thought was very great. For we find in this theory a number of ideas were so commonly accepted

1. Taittariya Brahmana (Anandasrma Sanskrit Series No. 32). Krishna Yajurveda i, 7. 7. 4. See Dikshitar, op. cit., pp. 17 - 18.

and to which we have references throughout our literature. The chief points of interest about it are that:

1. A state of war existed in the absence of a king.

2. The earliest king ruled by virtue of popular choice. Sovereignty lies with the people and they can expel a tyrant and elect a new king.

3. The king's rights arise by virtue of a bilateral contract between the people and him.

3

Regarding the human origin of kingship, two concepts are associated with it. They are election and contract. The theory of the original elective character of royalty was also connected with the belief that the taxes paid to the king were but his remuneration for his services of protection and justice. Both in the sixty seventh chapter of the Epic and in the Agganna Suttanta we find this as the necessary corollary to the hypothesis that royalty arose in a compact or contract between the ruler and ruled.[1] In the Buddhist account, the people are made to choose the Mata Sammata and in lieu of his services they agree among themselves to pay a share of the paddy (grain). In the Epic account,

1. Ghoshal is loath to use the term contract and applies the term compact to this understanding between the ruler and ruled which gave rise to monarchy. Furthermore, he sees in the Agganna Suttanta account the real and the earliest formulation of a social contract theory.

however, the people enter into communication with Manu the king-elect after laying down certain conventions for their own guidance. They lay down the terms of the contract and this seems to have been a bi-lateral one with rights and duties on either side.

1. On the part of the king, he was to protect the people.

2. On the part of the people, they were to obey him and in lieu of his services they were to grant him 1/50 of cattle and gold, 1/10 of the produce of fields, together with the handsomest damsel.

This idea that the taxes paid to the king were his wages, is found throughout our literature. In the epic Mahabharata, we are expressly told that the king was to maintain peace and justice and receive the 'sixth part' as his "wages" or his remuneration for protection. Furthermore, a king who failed to protect or administer properly, was regarded as a thief,[1] stealing the sixth part unrighteously. Again, in Adi Parva[2] we find an infuriated Brahmin, who was invoking the aid of Arjuna expressly reminding Arjuna that a Prince failing to protect his subjects was a thief who stole the "sixth part". How old these ideas are is to be ascertained from the fact that the Dharma Sutras which are certainly pre-Buddhistic, show clear evidence of their influence. Gautama clearly says

1. Mahabharata, Anu, Ch. 28; Mahabharata, Santi, Ch. 211, 12.

2. Mahabharata, Adi, Ch. 213.

that the king "receives part of the produce of fields and tolls on articles since he protected all these." [1] Bodhayana also says that the king was to protect with the sixth part as his wages, [2] while Vasistha grants the sixth part of the wealth of his subjects to the king on condition of his protecting them according to Dharma. [3]

While the Epic and the Dharma Sutras are unanimous in holding regal rights as arising out of contract, there are other important facts which point to the contractual nature of royal rights. Even in very ancient times, the Epic and the early law books lay down the maxim that the king was to make good the loss of his subjects caused by thieves and robbers. This clearly confirms the contractual nature of regal rights; for, if we believe rights as arising out of king's sovereign majesty, then this provision would not have found place in the Epic or in subsequent legal texts like those of Kautilya, Yajnawalkya, and even Narada and Katyayana. [4]

The Buddhistic theory of the origin of kingship is most remarkable, because the familiar concepts of the

1. Gautama Samhita, Translation S. B. E. Vol. ii (Anandasrama Sanskrit Series) Chap. X. Gautama whose work is not later than the fifth century B. C. closely follows the Epic tradition which is represented by the 67th Ch. of the Santi Parva.

2. Baudhyayana Dharma Sutra (Mysore Oriental Series) Translation S. B. E. Vol. XIV. Ch. XVI.

3. Vasistha Samhita (Bombay Sanskrit Series) Translation S. B. E. Vol. VII. Ch. I.

4. Bandopadhyaya, op. cit. p. 279–82.

state of nature and contract occur in it. Naturally kingship is a human institution, where the ideas of election and contract come in. It is more so because of the agnosticism of the Buddhists. The stories in the various Jatakas are apt illustrations of this mode of thought. Logically, Buddhistic thought cannot sanction divine origin or divine right, because in essence, the Buddhistic movement was a stern revolt against the inequalities of the Brahmanic system and the Buddhist Dhamma-chakka cannot be founded on principles of justice, equality and brotherhood. The nature of kingship in Arya deva's "Chaluhsatika"[1] follows logically from the story of Matra Sammata in the Dighanikaya. A somewhat similar conception is seen in the Mahavastu Avadana.[2] Ghoshal thinks that Buddhist theory of contract virtually exists as an isolated phenomenon in the history of Hindu political thought.[3] But Jayaswal traces this theory even to the Vedic hymns, where the rituals of royal consecration were based on elective principles.[4] The evidence seems to support Jayaswal's view. The idea of compact is postulated in Raghuvamsa[5] and in Arthasastra.[6]

1. pp. 462 - 464. Ghoshal, Hindu Political Theories, pp. 209 - 212. "The king is servant of the people and the revenue represents his wages."

2. E. Senart' Edition, Vol. i, pp. 347 - 48.

3. Ghoshal, op. cit,, pp. 118 - 119. See also Mahavamsa, Ch. ii, p. 10 - 11 (Sacred Books of Ceylon. Vol. I).

4. K. P. Jayaswal "Hindu Polity', Part II. pp. 5-6.

5. Kalidasa, "Raghuvamsa" (Bombay Sanskrit Series) i. 11 & 18.

6. Arthasastra, op. cit,, i, 9.

Actual election at times did take place even in post-Vedic times. Megasthenes notes that after Svayambhu, Buddha and Kartu, the succession was generally hereditary but that when a failure of heirs occured in the royal house, the Indians elected their sovereign on the principle of merit.[1]

4

The monarch however appears as human and not divine in early Vedic literature. In the Rig Veda[2] for instance, the description of the monarch does not clothe him with divinity. In the soma sacrifices dealt with in the Yajurveda and its Brahmanas, he, as the sacrificer, becomes identified with Prajapati or other deities during their performance, but this is only pro tempore,[3] though it might have served as a factor towards the ultimate formation of the conception. The conception emerges in the epics and becomes the nucleus for several others allied to it in those as well as other works. He is identified with several divinities[4] Sukra, Brihaspati, Prajapati, Babhru (Vishnu), Fire, Vaisravana, Yama.[5] He is likened to a god[6] or to Prajapati[7] and

1. Mc Crindle, "Megasthenes and Arrian" p. 200.
2. X. 60, 173, 174.
3. Eggeling (Sacred Books of the East) XLI, 108-10.
4. Mahabharata. iii 185. 26-30; 139. 103. continued Cf. Ramayana (Gorresio) ii, 122, 17 ff. add iii. 4. See Hopkins (Journal of American Oriental Society, p. 153).
5. Mahabharata, xii, 68, 41.
6. Ibid., iv, 4, 22.
7. Ibid., i, 49. 10.

is the personification of Dharma[1] (right and law) and Danda[2] (good government).

The deification of the king was preceded as early as the Satapatha[3] by that of the Brahmanas who studied and taught the sacred lore, and thereby also of the royal priest. The divinity of the king and Brahmans is also echoed in the law codes and later Sanskrit literature. In Manu, for instance, a Brahman is an eternal incarnation of the sacred law, lord of all created beings, natural proprietor of all that exists in the world, others subsisting only through his benevolence.[4] Ignorant or learned, he is a great deity like fire, whether carried forth for the performance

1. Ibid., i, 49. 8.

2. Ibid., xii, 15. 34. Cf. Manu vii, 18. The Puranas (Histories) for instance Bhagavata Purana (14, 26, 27) identify the king with all divinities. As corollaries to his divinity may be mentioned the "Mudrarakshasa" (ii. 7) which makes him the husband of Rajalakshmi (kingdom personified as a goddes) and Raghuvamsa (iii. 62–5) which makes him the subduer of India.

3. Satapatha-Brahmana, ii, 2. 2. 6. "Verily there are two kinds of Gods; for indeed the Gods are the gods; and the Brahmans who have studied and taught sacred lore, are the human Gods.

See Mahabharata, xiii, 152, 16.
Manu ix, 315 ff.
Agnipurana ccxxv, 16, 18 ff.
Journal of the American Oriental Society, xiii. 153.

4. Manu, i, 98–100; ix. 245.
(Sacred Books of the East Series, Vol. XXV.)

of a burnt oblation or not, or existing in a crematorium or a place of sacrifice.[1] Though employed in mean occupations,[2] he should be honoured. By his origin alone he is a deity even for the gods.[3] He is the creator of the world, the punisher, teacher, and hence benefactor of all creatures. He can create other worlds, other guardians of the world, and deprive the gods of their stations.[4]

A king again is an incarnation of the eight guardian deities of the world, Moon, Fire, Sun, Wind, Indra, Kubera, Varuna, and Yama; the Lord created the king out of the eternal particles of those deities for the protection of the universe.[5] Hence he is like the sun dazzling in lustre and able to burn eyes and hearts.[6] Through his supernatural power he is the great Indra as well as the aforesaid eight guardian deities.[7] Even an infant king should not be despised; a great divinity as he is in human form.[8] The taint of impurity does not fall on the king, for he seated on Indra's throne.[9]

1. Manu, ix, 317, 318; xi, 83.
2. Ibid., ix. 319.
3. Ibid., xi. 85.
4. Ibid., ix. 315. 316.
5. Ibid., vii, 3, 4; v. 96. See Sukraniti, i. 72.
6. Manu, vii. 5, 6.
7. Ibid., vii. 7.
8. Ibid., vii, 8.
9. Ibid., v. 93. It is interesting to note that in Kural, a Tamil classic of 2nd century A. D., there is no mention of the divine origin of kings or of kingship, translated by G. V. Pope, Rev. J. Lazarus and V. V. Iyer.

Thus we see that the Hindu view is sometimes in favour of a human origin, sometimes in favour of a divine one. Sometimes the king is of the lineage of God, like the Pharaohs, as when Prithu is said to be the eighth from Vishnu. Sometimes the notion is that the institution of kingship is divine but not necessarily the king himself. In Manu both the notions are prominent. Even if things be of divine origin, it is rarely that he rules by divine right; for there are the concepts of Dharma and Danda, the latter in an abstract sense placed over the king. When it is a case of divine origin, the concept of duty on the part of the king is prominent, and Raja-Dharma sections of the Dharma Sastras illustrate that. Sovereignty, when viewed as a thing of divine origin, is a matter rather of duty than of right and this line of thought is first evident in the writings of the Canonical school, according to whom politics is a part of practical ethics. At one end of the scale, there is the human conception carried to its logical extreme in the Jataka Stories. At the other end are the Pharaoh-like conception of Prithu as the eighth from Vishnu and its logical corollary, the doctrine of passive obedience, enunciated by Narada. Between these two extremes[1] there are degrees of humanity and divinity, and even deities in Hindu pantheon are subject to duties and limitations and amenable to spiritual, if not temporal sanctions.

1. Indra's sovereignty is sometimes due to election by gods, sometimes derived from the will of God. It is a case of authority from below or above. Ghoshal, op. cit., p. 42–43.

Therefore the simple generalization of Willoughby that in all of the vast Asiatic monarchies of early days the rulers claimed a divine right to control the affairs of the state and this was submitted to by the people with but little question[1] should be assessed at its proper value. Let us go on to discuss the cause that brought about the change of kingship from a human to a divine institution.

This deification extends to public relations. The mutual public relations among the king and the four castes under his rule have been a good deal influenced by such and other religious conceptions like the origin of the four castes from the mouth, arms, thighs and feet which assign to each its particular rank.[2] The king, identified as he is with the aforesaid eight deities, has to emulate the actions of seven of them, excepting Kubera, with whom his identification is limited only to the possession of wealth. In addition, he has to emulate the earth's action. Like Indra, pouring down copious rain during the rainy season, he should shower benefits on his kingdom. Like the sun, imperceptibly drawing up water during the remaining eight months he should gradually draw taxes from his realm. He should through his spies penetrate everywhere, like the wind, present as vital air in all creatures. He should, like Yama (God of the dead), exercise control over all his subjects, bringing under his rule both friends and foes.

1. "The Nature of State", pp. 42-3.
2. Rig Veda X, 90, 12.

Like Varuna, penalizing the sinner, he should punish the wicked. He should follow Moon's example by being a source of joy to his subjects. He should be Fire in his wrath against criminals and wicked vassals, and the all supporter Earth in his support to all his subjects.[1]

1. Manu, IX, 303–11.

III. EVOLUTION FROM HUMAN TO DIVINE THEORIES

1

The development in the order of thought, how a human origin of kingship tended to move towards a divine one, is the most fascinating chapter in Indian history. This epoch contains all the contradictions of our modern social structure. It accounts for the progressive social bankruptcy of Brahmanism. It accounts for the rise of religion as a prelude to social decay. It accounts for the rise of the caste-system. It accounts for the social struggles between Brahmans and Kshatriyas.

Broadly speaking, the transition from elective to divine monarchy was brought about by the struggle between Brahmans and Kshatriyas. Some say that this struggle is not a historical fact.[1] But all scholars agree that such a struggle was a historical fact.[2] In the Vedic period the Kshatriya (Ruler: Warrior) held the dominant position. This was quite natural in the state of society when it was fighting its way to the south and

1. Dikshitar, op. cit., p. 121. "The so called struggle between the two classes the Brahmans and Kshatriyas is more a product of the imagination than one of actual fact."

2. R. S. Sastri, "Evolution of Indian Polity", 1920, p. 39. "We hear of a terrible internecine civil war between the Brahmans and the Kshatriyas, as illustrated by the conflict between Visvamitra and Vasistha and Parasurama and Kartaveeryas".

the last among a powerful alien population. Next in importance came the Brahmana.[1] But in the post-Vedic period, this position was reversed. At this stage of Indian culture, we hear of various classes. Caste was not yet in vogue.[2] These classes had definite functions. Each class followed its own nature. It followed its own Svadharma, its own inclination. A warrior followed his occupation. A priest followed his own. The function of the priest was the most lucrative one. Food was plentiful. There was no economic insecurity. Hence all classes lived amicably. Society was fluid and changeable, classes moved to and fro from one occupation to another. These classes were purely guided by material considerations. As time passed, Indian society was beset with many economic crises. The early Vedic and Buddhistic literatures speak of the increase of populations and famines. There has been migration of people. The classes had to be careful about their occupations. In times of economic insecurity they have to fortify their position. They have to close their ranks to others. Membership was to be limited. Thus the classes were forced to close their ranks. They fortified themselves with myths and taboos. The division of society into classes became factual. This stratification of classes into castes was facilitated by other factors. They are what Bougle

1. Basu, op. cit., p. 35.

2. T. W. Rhys Davids, "Dialogues of Buddha", S. B. B. Vol. II, 1899, p, 101 (See pp. 96 - 107). Ambattha Sutta, pp. 108 - 136.

calls specialization, repulsion and hierarchy. These ideas played a dominant part in stereotyping the classes into castes. By specialization Brahmins became expert priests, Kshatriyas became expert rulers, and so on. Each occupation acquired a repulsion to the other. A natural corollary is hereditary succession. That is how the caste system arose. The classes, before they came to be castes, were heterogeneous. They consisted of various races and tribes. The chief determining factor is material circumstance. Later this inequality was harmonized by caste system, by organic theories and so on. Religion was invoked to conceal this inequality. The Brahmin was most in demand by those classes that could pay him. He was always in touch with the ruling class. He got to know the weaknesses of that class. He got into the framework of kingly society. He made himself indispensable. He exploited the uneasy position of the ruling class. By subtle means, by cunning, diplomacy, and all that his class could command, he made himself the Purohita – priest – of the king. There was an organized conspiracy on the part of the Brahmins, to share imperium with the ruling class. This ruling class became a willing tool in the hands of Brahmins. They made the king's power more secure, when it suited them, when the rulers were powerful. They gave free reign to their imagination, and invented myths and fables to fortify their position and that of the rulers. They also invented complicated coremonials. These ceremonials require for their proper observance the

ministrations of a highly trained priestly class.[1] By temperament a Brahmin is averse to work. He therefore urged the necessity of frequent and liberal offerings to the Gods.[2] He knew that the offerings were to him and that the gods could not have them. He did not live in monasteries like the Buddhist. He did not draw salary like the Christain. He lived on what was given him. When nothing was given him, he had recourse to flattery and beggary.[3] Thus by gradual means he built up a lucrative priestly profession hob-nobbing with kings, pretending holiness, despising the masses and corrupting the society. The struggle for social ascendancy between the priesthood and the ruling military class must in the nature of things have been of long duration. In the chief literary documents of this period which have come down to us we meet with numerous passages in which the ambitious claims of the Brahmins are put forward with singular frankness. So writes the Sanskrit scholar Eggeling.

The Buddhistic literature is equally emphatic. Sonadanda Sutta is a good example.[4] Buddhism is one long research into the pretences of Brahmins. Buddhism fought against too many vested interests at once. It raised up too many enemies. It tried to

1. S. B. E., Vol. XII, Introduction, pp. 9-10.

2. Rig Veda, VIII, 2. 13.

3. E. W. Hopkins, "Ethics of India", pp. 148-49. See also J. A. O. S., Vol. xiii, p. 72,

4. T. W. Rhys Davids, "Dialogues of Buddha". (S. B. B. Vol. II). 1899, p. 144-159.

pour new wine in the old bottles to retain too much of the ancient phraseology for lasting victory – at least at that time, and in an advancing country then assimilating into itself surrounding peoples at a lower grade of culture. The end was inevitable. And it was actually brought about, not by persecution but by the gradual weakening of the theory itself, the gradual creeping back, under new forms and new names, of the more popular beliefs. The very event hastened the decline. The adhesion of large numbers of nominal converts produced weakness rather than strength in the movement for reform. The day of compromise had come. Every relaxation of the old thoroughgoing position was widely supported by converts only half converted. And the margin of difference between the Buddhists and their opponents gradually faded almost entirely away. The soul theory, step by step, gained again the upper hand. The caste system was gradually built up into a completely organized system. The social supremacy of the Brahmins by birth became accepted as an incontrovertible fact. And the inflood of popular superstition which overwhelmed the Buddhist movement, overwhelmed also the whole pantheon of the Vedic gods. Buddhism and Brahmanism alike passed practically away, and modern Hinduism arose on the ruins of both.[1]

The consequences of this are obvious on our theory of kingship. Fisrt, there is the ascendancy of

1. T. W. Rhys Davids, op. cit., p. 142.

the Brahmins. Second, there is the heightened power of kings. In other words, power is divided between the rulers and the priests. Each acted as a check on the other. Each defied their respective positions. Each emphasised forms more than content. Shama Sastri has an interesting theory of the origin of Kshatriyas. The priestly class of the Aryan invaders of India established an institution of Queens, and reserved to themselves the right of begetting on them a ruling king and warrior soldiers to protect and defend the kingdom, the king and the soldiers being compelled to observe a celebate life, and having no ruling powers over the priestly class. Consequent on the desire of the Kshatriyas to set up a hereditary monarchy with the right of marriage for the Kshatriyas also, a civil war ensued between Brahmans and the Kshatriyas.[1] It is very difficult to accept this theory. Buddhism and Jainism – both Kshatriya movements-always emphasised elective contract theories of kingship. They always championed democratic forces. Consequently it is difficult to believe that Kshatriyas stood for hereditary rule. Hierarchy was a necessity, as I have shown before, with these classes when their material circumstances were insecure. It is not due to any cupidity of the ruling class. However, this theory illustrates the rivalry between these classes. From the Vedic period onward, a priestly aristocracy independent of the king arose. It claimed exemption from punishment for offences and

1. Sastri, op. cit., 73-74. (For the whole account see pp. 40-74).

from taxes and tolls[1] on land and other property. It claimed protection from hunger, sickness, cold and heat.[2] The ruling class challenged this supremacy. Consequently, the priestly class compromised, deifying themselves and their relations to other classes.

India passed from tribal democracy to elective monarchy, with priestly domination in some cases. It again passed to government by clans or to oligarchy in others. Elective monarchy gave place to hereditary monarchy with or without priestly supremacy. Under the influence of Jainism and Buddhism, hereditary monarchy freed itself from Brahmin hierarchy and took rest for some time in Ganas or Gentes of the Jains and Buddhists. Then came a reaction. A Brahmanic revival became a necessity. The motive was to put down Jainism and Buddhism and to restore Brahmanism to its former glory. The reason is obvious. It is the social condition. The economic foundations of Brahmin oligarchy are shaken. Instead of clothing and feeding the Brahmins as a whole in all places at the expense of public revenue in satisfaction of their old claim to exemption from cold, heat thirst and hunger, special feeding houses like the Buddhist alms-houses seem to have been established in a number of sacred places by way of manifesting devotion to faith in religion and charity. The politicians got alarmed. They wanted a government that would recognize their claims. Here

1. Apastamba 1, 2, 10; 11, 10, 26.
2. Sastri, op. cit,, p. 98, (Apastamba, II, 10, 25.)

again the nature of the government depended on the conditions and the specific weight of the progressive or unprogressive social force. The theorist of this school is Kautilya. The politicians of the Kautilya period seem to have entertained no doubts as to the particular form of government that would answer their purpose of helping the cause of the Brahmans. Neither democracy with power vested in the hands of even the low-caste persons, nor oligarchy under the sway of apostates and atheists would be of any help to Bhrahmanism. The wayward hereditary monarchies of the Kshatriyas hated the Brahmins, renounced the Vedas and embraced Jainism or Buddhism at their pleasure. Hence the Kshatriyas who were found wanting in their attachment to Brahmanism had to be replaced by others in the monarchical system of government. In times of grave disorder, when the old order has to be preserved under any cost, Kautilya does not hesitate to prefer chiefs of Sudra (fourth caste) origin like Chandragupta to heretical Kshatriyas.[1] Different as are the accounts given in the Puranas and other literary works regarding the descent of Chandragupta, they all agree in making him a Sudra. Kautilya is made to call him a Vrishala in the Mudrarakshasa. According to the Vishnu and other Puranas the Kshatriya race came to an end with Mahapadma the last Kshatriya king, and after him the "kings of the earth" were of Sudra origin.[2] But there is evidence to prove that

1. Artha Sastra, V. 6.
2. Vishnu Purana, IV, 24.

though in the terrible conflict that ensued between the Brahmans and the Kshatriyas, the ruling race had dwindled to a great extent, there still existed a few Kshatriya kings such as Pushyamitra, Samudragupta, Kumaragupta and others who were all regarded to be of the Kshatriya descent entitled to perform the horse sacrifice.[1] Still it cannot however be denied that smarting with the pain of ill-treatment by the hostile kings of the Kshatriya race, the Brahmins sought the help of the wild chiefs of Sudra descent against the effiminable Buddhist kings and that the chiefs of the forest tribes availed themselves of the good opportunity to establish themselves as kings in many of the Aryan kingdoms. This is confirmed by Matsya Purana. As a substratum of the revival of Brahmanism, there appeared at the same time a real revival of non-Aryan (non-Kshatriyan) rule in the whole of India. The Brahmins seem to have considered themselves quite justified in the revolutionary step they had taken to replace the hostile Kshatriya rule by non-Aryan rule. Bhishma tells Yudhistira that all Brahmins should revolt against Kshatriyas if they ill-treat them, and invite a Sundra to protect them.[2]

The Brahmins did not stop at this. These uniform yet brave upstarts (non-Aryan rulers), mere flags in the

1. Vincent Smith, "History of India"; p. 273, 284, 287. According to orthodox theory, a Kshatriya alone could be a ruler.

2. Santi Raja Dharma Parva, Ch. 78; Raja Dharma Parva, Ch. 123.

hands of their ministers – as termed by Kautilya [1] – seem to have been looked upon as being too low-born to fill up the high place they were called upon to occupy. To make up for this want the later politicians of India seem to have invented and developed the idea of divine birth and right of kings as sine quo non to royal power. Accordingly the king is declared an incarnation of deities by Manu [2] and other later Smriti writers.

This picture of a king being a deity in human form should be contrasted with the picture of a king, portrayed as a mere mortal in the Vedas and Artha Sastra. I can conceive no other reason for this sudden change of ideas about the right of kings than the necessity of hiding the low-birth of restored non-Aryan kings of the Buddhistic period and of strengthening their royal power so as to be able to guard the interest of the Brahmans. This is purely a Brahmanic conception consistent with their theistic religion. Neither Jainism nor Buddhism could possibly entertain such theistic notions, consistent with their agnostic faith, or the kingdom of righteousness based upon the equality of individual rights, be he a prince or pauper. In the Brahmanic conception of political justice or injustice the king was held answerable to God Varuna for all his unjust acts and was accordingly compelled to pay a fine to Varuna and distribute it among Brahmins in

1. Artha Sastra, V. 6.

2. Manu V, 96–7. He states here the divine birth and right of kings explicitly. Manu, VII, 4–8.

expiation of his wrong deeds.[1] The Buddhists seem to have held the king directly responsible to the people for all his acts and taken the law in their own hands in dealing with an erring king. Accordingly we are told in the Jatakas[2] of kings put to death for outraging a woman,[3] for ingratitude,[4] for endangering life,[5] for attempting to make a sacrifice of a prince,[6] for developing cannibalistic tastes,[7] for not taking steps to avert a drought,[8] and for causing famines by his unrighteous acts.[9] This kind of treatment of kings on naturalistic basis or on a footing of equality with ordinary people would by no means be in harmony with class or individual superiority and special births and prerogatives. Hence, in the interests of their own privileges and consistently with their theistic conception the Brahmins seem to have divinized royalty irrespective of its birth and race. There is no doubt this innovation rendered monarchy still more despotic and freed it from all popular check it had till then. Still the same religion which elevated the monarch and enabled him to enjoy his privilegs, besides conferring them on castes and creeds in his own interests seems to have been used

1. Artha Sastra, IV, 13.
2. See Subba Rao, "Jatakas and Indian Polity".
3. Jatakas, Ed. by Cowell, Vol. II, 122-3.
4. Ibid., Ed. by Cowell, Vol. I, 326.
5. Ibid., Ed. by Cowell, Vol. III, 574.
6. Ibid., Ed. by Cowell, Vol. VI, 155.
7. Ibid., Ed. by Cowell, Vol. V, 470.
8. As narrated in Visantara Jataka, 487-88.
9. Jatakas, Ed., by Cowell, Vol. II, 124; 368.

also to prevent him from all acts unrighteous in the view of Brahmans. In addition to the theistic threats and dangers which were used to keep him at bay, there were also political threats and dangers due to court intrigue which kept him in constant apprehension of danger to his position and life. Thus the chief feature of the Brahmanic revival is the establishment of theocratic despotism tempered by theistic checks and Brahmanic power at the background.

The development in the order of thought from a human origin of kingship towards a divine can be briefly summarised. First there is the human origin. Kingship may be caused by external pressure like war as portrayed in Aitareya Brahmana, or it may be caused by internal necessity to avert anarchy. These may take the form of contract or election as portrayed in Dighanikaya. The next step consists in the human origin of kingship, linked with invocation to duties. Election is supplemented by Prayer. Religion at this stage is becoming a necessity. It is acquiring a sociological import. This is foreshadowed in Satapatha Brahmana.[1] The next step lies in the equation of religious and political functions. We find glimpses of this equation in Mahabharata and Sukraniti. The next step lies in the assumption of temporary divinity during sacrifice. Religio-Socio-political ceremonies creep in as seen in Vajapeya and Raja Suya ceremonies. The hand of Brahmanism is seen here. The next step

1. Jayaswal, op. cit., Vol. II, p. 23.

lies in the union of human form with particles of several deities. Manu and Sukraniti speak of this change. The next step lies in making the king a descendant of God. He is called Prithu the eighth from Vishnu. Vishnu enters the body of the king. Santi Parva speaks of this change. Lastly, kingship is divine, but not the person of the king. Brahmanism triumphed. Manu, Narada all hailed its advent.

2

For a long time, amongst Western writers on Hindu theories of kingship, there prevailed the Filmerian idea that Hindu kings were arbitrary. They, like Filmer, failed to understand the difference between absolute and arbitrary powers. It was left to Bodin to make that distinction scientific and modern. Maine[1] and Green[2] characterised the Hindu institutions as mere tax-gathering ones. Wilks[3] notes that immemorial despotism of the East was a fact familiar to every reader. A reviewer of Wilks and Marshman[4]

1. Sir H. Maine, "Early History of Institutions" Lect. 13. "Ancient Law" (ed. Pollock, 1206). pp. 27-8.

2. T. H. Green, "Lectures on the Principles of political obligation."

3. Lieutenant Colonel Marks Wilks, "Historical Sketches of the South of India in an attempt to trace the History of Mysore", 1810, p. 14.

4. From the Review of M. Wilks (1810) and J. C. Marshman's Works on India (1867). Historical Tract, British Museum, 1870.

echoed the same ideas. The American Willoughby too thinks[1] that the very conception of liberty was beyond the oriental's ken. Not even in his poetry or song did he desire for freedom. I wonder how much of oriental poetry did Willoughby read. Still another styles estern sovereignty as despotism tempered by assassination.[2] Many such examples could be multiplied. Since these people wrote, oriental scholarship has been much revolutionized by discovery of lost texts. The unchangeable East has become a truism.[3] Davids complains that we are not likely to cease from hearing that parrot cry of self-complacent ignorance – "the immobile East."[4] The unchanging East is changing, and as Felix Frankfurter observes, the most novel constitutions now come from the East.[5] Apart from this beckground, Carlyle observes to this effect: "The risk of revolution, the possibility of armed revolt is always present, and it may be doubted whether in the larger sense of the word a really absolute monarchy ever existed, or ever could exist."[6] Bishop Stubbs[7]

1. "Political Theories of the Ancient World", p. 16.

2. Cambridge Ancient History, Vol. I, p. 216.

3. Cambridge Ancient History, S. A. Cook, Vol. I, pp. 211–12; 216.

4. T. W. Rhys Davids, "Buddhist India", 1903, p. 257 also p. 239.

5. Felix Frankfurter, "The Public and its Government".

6. A. J. Carlyle, "Christian Church and Liberty" p. 156.

7. Bishop Stubbs, "Constitutional History", Vol. I. "Absolutism is not incompatible with limitations."

echoed the same ideas. Leaving this "a priorism" aside, let us see how far oriental monarchy is despotic in history and theory.

Oriental despotism is one of those historical fallacies upon which the British administrators of India are nurtured.[1] It is true that there are isolated cases of despotism. Even among the mighty Mesapotamian monarchs, government was limited. They had no exclusive powers. Permanent authority was resented by the masses. Their word "king" means "to advise".[2] They were the representatives between God and Man. They were the interpreters of God's will and benevolent rulers. The Babylonian kings have a warning that "if the king does not heed the law, his people will be destroyed. His power will pass away."[3] The chiefs and elders of the tribe are men noble, wise and brave, but with slight authority. It must be remembered that our knowledge of the Hebrew conceptions of Government is very vague.[4] Conclusions we draw from records at our disposal may be upset, corrected, amplified or transformed by a new discovery tomorrow.[5] When such is the state of our knowledge, how rash it is to indulge in generalizations and lump

1. E. B. Havell, "History of Indo-Aryan Civilization".

2. Cambridge Ancient History.

3. Cambridge Ancient History, Vol. I, p. 213.

4. A. J. Carlyle, "The Influence of Christianity upon Social and Political Ideas", 1911.

5. Cambridge Ancient History.

all forms of the Government of the East under the heading 'Oriental Despotism'. Custom and religion are the great controlling forces in the East.[1] Let us now trace these controlling ideas in Hindu theory.

1. Willoughby, op, cit., p. 19.

"..... the Egyptian kings had in fact..... their freedom of action very considerably limited by religious checks. The Priests constituted a very powerful political force in the State."

R. Shama Sastry, "Evolution of Indian Polity", pp. 166-171 (Appendix B).

J. W. Burgess, "Political Science and Comparative Constitutional Law", 1890-1. Vol. I, p. 60.

IV. LIMITATIONS ON THE POWERS OF THE KING

1

Though the Brahman, and thereby the royal priest, as also the king, are divinities endowed with supernatural power, they have, like the Gods in general of the Hindu pantheon, their own limitations. They are to observe the duties attached to their respective castes with the four stages of life, belonging as they do in their human aspect to the Hindu Society with a framework of its own. They have, in addition, to observe the particular duties of the offices they hold. They are subject to transmigrations bound like ordinary mortals, to go to heaven or hell, and have despicable and agonizing births or otherwise as the results of their illegal and impious actions on this earth. The king and the royal priest constitute but the middling rank of the states caused by Rajas (activity) inspite of their divinity.[1] The king, according to the Sukraniti, loses his claim to allegiance and reverence and may even be dethroned, should he prove an enemy of virtue and morality.[2]

The king's divinity does not place him above the observance of obligations attached to his office. In fact, his divinity requires that he should in reality

1. Manu, XII. 46. 51. 24.

2. See Mr. R. G. Pradhan's article in "Modern Review", Feb. 1916, pp. 154–5.

possess a godly nature. It was hedged in by several warnings and sanctions.[1] The King committed sins and no mere infringements of salutary secular rules on conventions by breaches of his principal obligations. Danda (Political Science), which the Lord created as his son for the king's sake for the protection of creatures,[2] destroys the king himself with his relatives for miscarriage of duties.[3] The king is enjoined to behave like a father towards his children in his treatment of the people, observe the sacred law in his transactions with them, and arrange for the collection of revenue by competent officials.[4] The protection of subjects is as sacred a duty as the performance of a sacrifice[5] and secures the monarch from every person under his protection a sixth part of the demerit of each of his subjects, ruining his spiritual propsects, and depriving him of his right to revenue, tolls, duties, daily presents and fines.[6] Failures of justice throw him into perdition[7] as also unjust seizure of property.[8]

In addition to these general limitations, the Brahmans acted as checks upon the king's exercise of powers. The king is enjoined to be lenient towards

1. Manu, VII, 44, 46-51, 53.
2. Ibid.. VII, 14.
3. Ibid., VII, 28.
4. Ibid., VII, 80.
5. Ibid., VIII, 303.
6. Ibid., VIII, 304-9; IX, 253.
7. Ibid., VIII. 18, 316, 317, 343, 344, 346, 386, 387, 420; IX. 249, 254.
8. Ibid., VII. 48; VIII. 171; IX. 243-4; 246-7.

Brahmans,[1] give them jewels of all sorts and presents for the sake of sacrifices,[2] never to provoke them to anger which can instantly destroy him with his army and vehicles,[3] and not to levy taxes on Srotriyas (Brahmin Priests) even in times of extreme want.[4] The king should provide for the maintenance of those Srotriyas that pine with hunger, for the kingdom would otherwise be afflicted by famine. The religious merit acquired by the Srotriyas, thus maintained, procures for the king long life, wealth and increase of territory.[5] The king should follow him as a student his teacher, a son his father and a servant his master.[6] The same sentiments are given expression to in the verse of Yajnavalkya.[7]

Apart from Brahmans as a body, the institution of Purohita is alleged to be a powerful limitation upon the powers of the king. Among the eighteen departments of the administrative machinery of the ancient Hindus, the institution of Purohita or king's adviser in matters

1. Manu VII, 32.
2. Ibid., XI. 4.
3. Ibid., IX. 313–16.
4. Ibid., VII. 133.
5. Ibid., VII. 134–6.
6. Kautilya, 'Artha Sastra', Book I, Sec. 9, (S. B. E. Vol. II.)
7. Book I. 313, See also Apastamba, (S. B. E. Vol. II). ii, 5–10. Gautama (S. B. E. Vol. II), 12; Baudhyana Dharma Sutra (Mysore Oriental Series, translation S. B. E. Series, Vol. XIV (i. 10. 187 and 8).

religious and secular as well[1] was a prominent and influential one. The origin of this institution is obscure. "From the comparatively modest position of private chaplin who had to attend to the sacrificial obligations of his master, the Purohita appears to have gradually raised himself to the dignity of, so to say, a minister of public worship and confidential adviser to the king.[2] The struggle for social ascendancy between the priesthood and the ruling military class must, in the nature of things, have been of long duration. In the chief literaray doucments of this period which have come down to us, namely the Yajurveda, the Brahmans and the hymns of the Atharvaveda, some of which perhaps go back to the time of the later hymns of the Rik, we meet with numerous passages in which the ambitious claims of the Brahmans are put forward with singular frankness. The powerful personal influence exercised by the Purohita, seems to have largely contributed to the final success of the sacerdotal order.[3] The question as to how Brahmins ultimately succeeded in overcoming the resistance of the ruling class receives but little light from the contemporaneous records. Later legendary accounts of sanguinary struggles between the two classes and the final overthrow and even annihilation of the Kshatriyas can hardly deserve much credence. Perseverance and tenacity of purpose were

1. A. B. Keith and A. A. Mac Donnell. "Vedic Index" Vol. I. p. 113; Vol. II, p. 90.

2. See H. Oldenburg, "Religion of the Vedas", p. 12.

3. Julius Eggeling, S. B. E. Vol. XII, Introduction, p. 9–11.

probably the chief means by which the Brahmans gained their ends. The commentator of the Kamandaka Niti Sara, Sankaraya, characterises the Purohita as one of the more prominent ministers.[1] This is also testified by Tamil evidence.[2] In Aitareya Brahmana, he is represented as providence guiding the destinies of the kingdom. He is the directing force in the administration of Kamandaka.[3] The Sukraniti adds that he is also the preception.[4] He makes effort to avert several calamities. They are fire or thunder, rain or overrains, epidemic, famine, pestilence to crops, relinquishment of men, prevalence of diseases, demons, bear or tiger, rats and snakes.[5] Over and over again the importance of the Purohita is emphasised. It is only a kingdom under the guiding hand of a Brahman that will last long.[6] On him hangs the thread of the realm. It is said that Ikshvaku kings attained celebrity and greatness owing to Vasistha, their Purohita.[7] A king without Purohita is like an elephant without the mahout (rider). A king with the Purohita is compared to the fire united with wind.[8] A king would be a mere nothing if he had

1. Commentary on Verses 30 and 31 of Chapter IV of Kamandaka (Trivandrum Edition), also translated by M. N. Dutt.
2. See Tamil Lexicon (Madras University) Vol. I, pt. iii p. 579.
3. Trivandrum edition, p. 56.
4. Sukra Niti, tr. by B. N. Sarkar, ii, 78–81.
5. Cf. Arthasastra; B. K. viii, see. iv.
6. Mahabharata, Adi Parvan, C. XXXVI, 77–84.
7. Mahabharata Adi Parvan, CLXXXVI, 11–16.
8. Ibid Vana Parvan, XXVI. 15.

no Purohita to guide him. He would ever be in danger of the Rakshasas, the Asuras, the Pisashas, Uragas, Pakshins and other enemies.

There are other politico-religious ceremonies which limit the king to constitutional exercise of powers. One is Raja Suya. It is not a single ceremonial but a series of rituals several of which had independent existence. The completion of the whole ceremony was spread over about two years and three months.[1] One of the rites crystallizes the idea that the king can do no wrong. The Adhvaryu (High priest) and his assistants strike the king on the back with sticks (punishment) thereby putting him beyond the reach of judicial punishment.[2]

Another is the coronation oath. The vow which the king-elect took or, to use modern phraseology, the coronation oath as given in the Aitareya Brahmana is in these terms :

1. The Raja Suya according to Dr. R.H. Mitra spreads over a period of twelve months (see his "Indo Aryans" Vol. II, p. 29). According to Eggeling (S. B. E. Vol. XLI, p. XXV), it takes more than two years. Dr. Mitra must have made a wrong computation of the period, which even according to the Taittiriya-Brahmana, followed by Dr. Mitra, exceeds 12 months. Cf. Carlyle, Vol. I, p. 214; Stubbs "Constitutional History of England," Vol. I, 161-6.

2. Satapatha Brahmana (Asiatic Society of Bengal), translated by J. Eggeling in Sacred Books of the East Series, V. 4. 4. 7. For literature on Raja Suya, See N. N. Law "Aspects of Ancient Indian Polity", 1921. p. 161.

" Let the Kshatriya be sworn through this great coronation of the Indra ritual. He is to repeat with faith, ' Between the night I am born and the night I die, whatever good I might have done, my heaven, my life and my progeny may I be deprived of, if I oppress you ".[1]

The business-like and contractual nature of the oath is note-worthy. There is no reference to any divine agency in the oath. It is purely human. It is humanly solemn. According to the Aitareya Brahmana the oath was common to all constitutions. It was administered to the ruler whatever the form of polity, whether he was desirous of being consecrated to Samrajya, Bhaujya, Svarajya, Vairajya, Paramestrthya, Rajya Maharajya, Adhipatya, or Sarvabhauma. [2] In the Mahabharata, it is given in terms which correspond to the oath given in Aitareya Mahabharata, a Sruti which denotes that the oath was based on Vedic text. As the Aitareya enjoins that the oath should be repeated " with faith ", so here it had to be pronounced without any mental reservation :

"I take the oath without any mental reservation in fact and by word of mouth;

"I will see to the growth of the country, regarding it as God himself.....

1. VIII. 18.
2. Aitareya, VIII. 15.

" Whatever law there is here and whatever is dictated by Ethics and whatever is not opposed to politics I will act according to, unhesitatingly. And I will never be arbitrary." [1]

To the royal oath the people pronounced 'Amen'. An analysis of coronation ceremonies discloses the following position of the Hindu kings :

1. Hindu kingship was a human institution according to early sources.

2. It was elective, the electorate being the whole people. It later became hereditary [2] and still later it became a divine institution retaining the hereditary principle.

3. It was a contractual engagement. In the Buddhistic literature we find the same notion.

4. It was an office of state which had to work in co-operation with other offices of state. [3]

5. It was a trust, the trust being the tending of the country to prosperity and growth.

6. It was not arbitrary.

7. It was not above the law but under it. It was further bound by the rules of political science (Danda). [4]

1. Mahabharata (Santi Parvan, Calcutta Ed., Lix, 106, 107).
2. Ramayana, Ayodhya Kanda, 21. 32; 6. 16.
3. K. P. Jayaswal, " Hindu Polity " (2 Vols. in one) Vol. II, p. 38-39; 49.
4. Ibid p. 39, 49.

If a Hindu monarch failed to keep his coronation oath, he would be false in his vow and would forfeit his title to remain on the throne. Kings at times said with pride that they were true to their oaths.[1] The Hinduised Rudraman was anxious to declare in his inscription that he kept his vow, that he never levied taxes which were not lawful.[2] If the monarch failed to maintain the integrity of the state he was considered guilty of breaking his vow. Brihadratha Maurya who was weak as ruler, and during whose reign the Greeks made a second attempt at conquering India, was removed from the throne and was called weak in keeping his vow. The king having taken the oath to act according to the law as established, if he acted unlawfully and committed a crime he would be considered to have broken faith and his action would be illegal, for which the people who had installed him would remove him. The Jatakas,[3] traditions, literature and history furnish illustrations. In the Mahabharata the plea for the deposition and the execution of the tyrant Vena was that he was unlawful. The formal deposition of Naga Dasaka of Magadha and his punishment was due to parricide. King Palaka of the Mrich-chhakatika was deposed because he had incarcerated Aryaka without the latter having committed any crime.

1. For coronation oaths and their constitutional significance see Jayaswal, op. cit., pp. 14–53.

2. Epigraphica Indica, VIII. pp. 43, 44.

3. Jataka. Vol. I. p. 391, (Edited by Fausboll, Kopenhagen in 6 volumes).

The next limitation on the power of the king is Danda. It has been translated variously. Broadly speaking, it can be defined as "an ideal political science". Manu says: "It is the real king." It is the ruling authority. It is the surety for the population.[1] The king who properly employs it, prospers, but if he be selfish, abnormal and deceitful, Danda destroys him.[2] Danda is of great lustre. It cannot be held by despots. It strikes down the king who swerves from law, together with his relatives. Thus the king is brought under law. He is reduced to his human and contractual status. "Only a king who is honest and true to his coronation oath and follows the sastras (customs) and rules with colleagues (ministers), could wield Danda, not one who is despotic, greedy, stupid, and who rules personally."[3] So says Manu. A king was not only expected to be true to his undertaking, his contract, but it was further enjoined on him that he should work with colleagues and should not rule personally.

Another important limitation on kingship is the concept of Dharma. It has been a word to conjure with. It has been taught in all possible and imaginable ways – by express teaching, by commands, by stories by literature and art, in temples, on the stage and by the living examples of saints and sages. It implies

1. Manu, VII. 17.
2. Ibid., VII. 27.
3. Ibid., VII. 30–31.

stricture and function. It has reference to a type. It is based on discipline. It is the meeting point of the individual and of society, of religion and of philosophy, of here and hereafter, of man and God. It is the cement of society, the bond of love, the means of attainment of God.[1] The king was regarded as the protector of Dharma.[2] Dharma in the Satapatha Brahmana was equated with truth. More over, the place of Dharma in human existence was defined, and the same passage of the said Brahmana explained Dharma as those "principles of justice whereby the weak maintain themselves against the strong with the help of the king."[3] With the Brahmana authors, this Dharma was something which may be taken to embody the primary principles of justice and equity, though it is nowhere discussed and explained till we come to a later age. Attempts at the definition of Dharma come only with the founders of philosophical schools. The above passage contains the germs which were later on elaborated into definite social and ethical ideas. It postulated that certain rights belonged to all. The application of the principles of Dharma by the king safeguards the rights of the weak against aggressions of the more powerful. The Dharma Sutras (Law texts) gave us neither definition nor abstract ideas of Dharma. They postulated the

1. K. S. R. Sastri, "Hindu Culture", p. 93.

2. Aitareya Brahmana, viii. 26.

3. Brihadaranyakopanishad. (Nirnaya Sagara Edition) I, IV. 14. Satapatha Brahmana, XIV. iv. 2. 23.

existence of certain duties and obligations inherent in men of all castes and occupations. They seem to hint at the existence of certain legal relations between the king and his subjects. But while the Dharma Sutras are silent, there is evidence to prove that the root ideas came to be elaborated in the hands of a set of subsequent thinkers whose views are found regarded in traditions which we find in the Epic or in the Buddhist Canon. They evidently analysed the older Dharma concept and tried to come to a logical sequel as to the consequences of the absence of Dharma and the enforcement of its principles by the king. There was divergence of opinion. Some made Dharma primordial and self-existing, identical with creation and truth. Others made it intimately connected with the origin of social order and the royal office.[1] Whatever the origin of Dharma, it exercised a great influence on kingship. The Jaiminiya Sutras define Dharma as something which is commanded.[2] In Nyaya, in Vaiseshika, in Jaina Metaphysics, as elsewhere, Dharma denotes the property of a thing. There was a harmony, an order, divine and eternal, which pervaded the universal law and every part of it, which naturally covered the world of man and embraced rulers and the ruled alike. It represented principles applicable to all, principles which were of a universal nature. These must be respected by the mightiest of potentates. The supremacy

1. See N. C. Bandopadhyaya, "Development of Hindu Polity and Political Theories", Part I. 1927, 272-4.

2. Jaiminiya Sutras, I, 1, 2.

of law is an axiom in all Hindu political speculation. Law is the king of all things. In ancient India Dharma included both law and custom. Apart from conformity to Dharma, the Mahabharata wants the rule of law. The Smritis follow suit. All administration, central and local, must be conducted according to well-defined principles and regulation. Caprice is the undoing of monarchs and officers.

The Next theory insists on a government by consultation. Instruments of consultation occupy a notable place in Hindu administrative theory.[1] The council is an important limb of the central organization and its origin can be traced to very early times. There is evidence to demonstrate that the king in ancient India was no autocrat exercising authority in an irresponsible manner. The law-givers such as Manu, Yajnawalkya and Katyayana assign a fitting place to this assembly which the king was bound to consult before he could enter upon any undertaking or give his verdict on a suit.[2] Even in matters of urgent public importance the king could not act on his own initiative. He must summon all his councillors and decide on the expert advice of his best men.[3] Manu lays down that

1. Arthasastra I, 7. In the Matsya Purana the first duty of a king on ascending the throne is to "pick out worthy men for his assembly as his advisers" since the 'smallest function cannot successfully be performed by one single man'. Ch. 215 (S. B. H.).

2. Manu, VII. 30 - 31. Yajnawalkya, i. 311 (Nirnaya Sagar Press, Bombay).

3. Kautilya. 'Arthasastra', Bk. i. Sec. XV.

ministers must be consulted individually and then jointly.[1]

We also learn from Ceylon inscriptions[2] that all administrative measures were issued by the king-in-council. In the Vevala Katiya inscription of Mahinda IV all these lords who sit in the royal council and who have come together in accordance with the mandate issued by the king-in-council have promulgated these institutions. The slab inscriptions of queen Lilavati shows the creation of a council of ministers, wise and loyal, who released the kingdom from all dangers.[3] Thus whether it was in South or North India there was no administration which had not a consultative assembly or council which invariably guided the deliberations of the State.

The origin of the word 'Raja' itself connotes the limitations involved in the exercise of the king's powers. The word Rajan and its original Rat literally means a ruler. It is connected with the Latin rex. But Hindu political theorists have given it a philosophic

1. Cf. Kamandaka, XI. 68.

2. Epigraphica Leylanca, Vol. 1. No. 21. Cf. Banerjee, "Public Administration in Ancient India". p. 5

3. Epigraphic Zeylanica, Vol. i, No. 14 and also Vol. ii; No. 6. Cf. Macdonnell, "History of Sanskrit Literature", p. 158 "The King's Power was by no means absolute, being limited by the will of the people expressed in the tribal assembly." For further references to the influence of ministers on kings, see Sukra II, 164. R. Fick, "Social Organization in N. E. India" translated, p. 140. R. G. Basak, "Ministers in Ancient India". Indian Historical Quarterly, Vol. I, No. 3-4, 1925.

deviation. The King is called Raja because his duty is to "please" (ranj) the people by maintaining good government. This philosophic interpretation has been accepted as an axiom throughout Sanskrit literature. The king also acquiesced in and accepted this constitutional interpretation of the term. Emperor Kharavela of Kalinga, who was a Jaina, says in his inscription (C 165 BC) that he did please his subjects, 35 hundred thousand in number. In the Buddhist Cannon the same theoretic definition is found: demmena para ranjititi kho vasettha, raja.[1] Both orthodox and heterodox branches of the race had adopted it. It was a national interpretation and a national theory of constitution.

2

We next come to the theories of deposition and tyrannicide. The deposing power is a necessary part of the election, contract theories. And since the particular sovereign's authority came not from God, but only through the medium of the people's choice and consent, the ordinary means of securing deposition of a prince was to absolve his subject from their allegiance to him. But the Hindu Brahman theorists, like the Jesuits, well knew that a law without a sanction is an imperfect law, and they were not content to leave the king's decree a mere brutum fulmen. Three modes of enforcement were open: regnum trans firre

1. Dighanikaya, Agganna Suttanta, 21 Vol. III, p. 93.

ab uno ad alium and to summon the new ruler to take possession in the name of the Dharma—invasion; second armed rebellion of the prince's own subjects to carry out the decree—resistance or revolution; and third, the assassination of the monarch by one or more private persons–tyrannicide. All the three[1] modes were actually conceived during this period of Ancient India.

The idea of deposition and tyrannicide is not wholly repugnant to the Hindus. Kings were often expelled during the Vedic period. We know that 'Dustarita Paumsayana had been expelled from the kingdom which had come down to him through ten generations and the Sringayas also expelled. Revottaras Patava Kakra Sthapati.'[2] Kautilya lays down as a matter of common knowledge, that a king of unrighteous character and of vicious habits will, though he is an emperor, fall a prey either to the fury of his own subjects or that of his enemies.[3] In another place[4] he tells us that impoverished, greedy and disaffected subjects voluntarily destroy their own master. At another place he makes a spy to say "this king is unrighteous, well let us set up in his place another king who is righteous.[5] Again, he is made to say at another place, "the king has betaken himself to

1. McIlwain (King James) Introduction, xxvi–vii.
2. S. B. S. vol. XLIV. p. 269.
3. Artha Sastra, VI. I.
4. Ibid., VII. 5.
5. Ibid., 1. 10.

an unwise course, well, having murdered him; let us put another in his stead." In an indirect way these passages furnish a distinction between a good king and a tyrant.[1] A king in Kautilya's view must not be so haughty as to despise all people, or in other words, must not be tyrannical; for if tyrannical, they are likely to perish like Dambhodbhaba and Ayura of Hartraya dynasty.[2] The Mahabharata makes a sharp distinction between a righteous king and a tyrant. The great sage Vamadarva is quoted by Bhishma to have said that the king who acts according to the counsels of a vicious and sinful minister, becomes a destroyer of righteousness and deserves to be slain by his subjects with all his family.[3]

A king who is illiberal and without affection, who afflicts his subjects by undue chastisement and who is rash in his acts soon meets with destruction.[4] In the Anusasana Parva, the subjects are advised to arm themselves for slaying the tyrant, the king who tells his people that he is their protector but who does not or is unable to protect them, should be slain by his combined subjects. Only a righteous king can claim

1. Usurpers of thrones are also tyrants and hence killed. See Matsya Purana, Chap. 214 (S. B. H.).

2. Arthasastra, 1, 6.

3. Santi Parva, see. 92. V. N. Ghoshal makes Sukra the first originator of this distinction (Hindu Political Theories, p. 258), and again on p. 100 of his book gives the credit to another.

4. Santi Parva, sec. 92.

the title of nara-devata (ruler of men).[1] In the Aswamedha Parva we read of one Khaniketra deposed by his subjects.[2] King Vena, a slave of wrath and malice, became unrighteous in his conduct towards all his subjects. The sages slew him with Kusha blades.[3] After Vena has been killed the sages pierced his right arm, whence sprang a person who was anointed as king, after having taken an oath that he would never act with caprice and would fearlessly maintain the duties laid in the Vedas. According to Aindramahaviseka ceremony when a promise was extorted from the king that he would lose everything, even his life if he attempted violation of his right and truth.[4] In the Agnipurana, it is laid down that a tyrant is deposed and killed, sooner or later.[5]

There are many instances of deposition and tyrannicide even in Buddhist literature. In the Saccamkira Jataka[6] we find the wicked king of Benares, who owed his life to Bodhisatta, asking his followers to catch hold of Bodhisatta and execute him. Bodhisatta recited how he saved the king, while he was

1. See Manu, V, 96–97; VII, 4–8; Sukra I, 139–43. Footnote p. 71 Baneye, op. cit., Footnote p. 182–3 Ghoshal, op. C I.

2. D. R. Bhandarkar, "Carmichael Lectures", 1918 p. 136 (Footnote).

3. Santi Parva Sec. 59; Matsya Purana (S. B. H.). Part I, Ch. X.

4. Aitareya Brahmana.

5. Chap. 225, 31–32.

6. Jatakas, Vol. I, Edited by Cowell.

the crown prince. "Filled with indignation at his recital, the nobles and Brahmans and all classes with one accord cried out: 'This ungrateful king does not recognize even the goodness of this good man, who saved his Majesty's life. How can we have any profit from this king? Seize the tyrant.' And in their anger they rushed upon the king from every side and slew him then and there."

Again in the Padakusalamanava Jataka, a king who had himself stolen some measures employed a young man to specify the thief. Before a great audience the young man said that their refuge proved their bane, whereupon the people thought "that he may not in future go on playing the part of a thief, we will kill this wicked king." So they rose up with sticks and clubs in their hands, and then and there beat the king and priest till they died.[1] In Mahasutasoma Jataka, the citizens asked the commander to have the king expelled from his kingdom if he would not give up his cannibalistic propensities. The commander thereupon requested the king to give it up, who however expressed his inability to comply with this request; whereupon the commander said, "Then depart, sire, from this city and kindom."[2]

1. Jatakas vol. III.

2. Ibid., vol. V. Compare what the Buddhist monk Aryadeva says "what superciliousness is thine (O King) thou who art a mere servant of the multitude and who receivest the sixth part of the produce as thine wages." See Sukra for hints at deposition. I, 277–8; 279–80; II 5–8; IV–VII 826–9.

The distinction between a good king and a tyrant has been maintained by Sukra.[1] He cannot bear with a king who does not listen to the counsels of his ministers.[2] To him an autocratic king is nothing but a thief in the form of a ruler. Yajnawalkya warns the king against illegal taxation by saying that fire, arising from the head of the suffering of the subjects, does not cease, without fully burning the family, fortune and life of the king.[3] In Mahavamsa Vijaya is described as a Prince Regent whose maladministration led to discontent and ultimately to his own punishment.[4] Again Queen Lilavati of Ceylon was deposed by her ministers.[5]

3

Quite in contrast to these theories there is the theory of Narada who says that whatever a king does is right. Manu does not go so far. As I have noted already, he is self-contradictory.

The Brahmans have no systematic theory. That is why all through the ages, they have been mendacious opportunists. The circumstances and their political and social ambitions necessitated such a course.

1. Sukra I, 63, 69–70, 139–40, 171.
2. Sukra II, 515–6.
3. Sutra 341, S. B. H. Vol. 21.
4. Benerje, op. cit.; p. 89 (footnote).
5. For historical examples see B. K. Sarkar, "Political Theories and Institutions of the Hindus". Chap. 4, Sec. 7.

In order to absorb all diverse social elements into one Hindu fold, they had to concede now and then and at the same time retaining their power. That is how toleration was born. It was a necessity. It was not because the Brahmans believed in it ideologically. Outward conformity to Brahmanic forms, and inward individual beliefs became the price that a Hindu has to pay for his membership of that fold. It led to dualism in Hindu character. It led to the divergence of belief from conduct. It led to the accumulation of social contradictions that have extended on a wider scale even to our day. That is why we seek in vain for any systematic theory in Brahmin writers. As a happy contrast, Buddhists are consistent, and straightforward. They exposed the Brahmans, whom Buddha characterised as "droners, idlers, tricksters" and parasites of society.

The other extreme view is that of Aryadeva. According to him, a king is nothing more than a mere servant. Between these extremes, Sukra guides his course. He nowhere sanctions tyrannicide. Every king is not a mere ruler of men. He is not a mere mortal. A virtuous king is godlike.[1] An unrighteous king is demonlike. He makes the king a creature of Brahma. Yet he qualifies it by saying that he is a servant of the people.[2] He sanctions deposition, a necessary corollary of the king being a servant of the

1. E. W. Hopkins "Epic Mythology" p. 184.
2. Sukra Niti I, 375.

people. He nowhere sanctions tyrannicide because a king is not a mere mortal.

This theory is important for various reasons. Both Narada and Manu wrote during the period of Brahman ascendancy about the seventh century A. D. Consequently their theories suffer from that fact. The Brahmans have deified every human relationship. In spite of it, writers like Sukra recognize the necessity of deposition. This brings out one contrast with the divine theories of kings or kingship held in the West. No Hindu king ever asserted his personal rule as descended from heaven. Law was divinely ordained. He was made by God to rule. Gods also in the Vadic pantheon are limited by duties. They never proclaimed a theory similar to that of James. They never asserted that they were God's representatives on earth. They never said that they were responsible to God alone if we can exclude Narada, and contradict Manu. They never claimed suspending or dispensing powers. They never exercised the sole authority of personal judges. They could not dispose of the property of the subjects just as they pleased in the name of divine right. They did it with the consent of ministers.

James declared in his Defence of the Right of Kings that kings are "the breathing images of God upon earth".[1] They "are not only God's lieutenants upon earth, and sit upon God's throne, but even by

1. McIlwain, op. cit., P. XXXV. p. 248.

God himself they are called Gods ".[1] No Hindu king ever claimed such a descent. According to James the king's right to the crown is heritable. It was more. It was a right inalienable and indefeasible.[2] His right to the realm is nothing less than an absolute ownership and neither the people nor any one else can have any rights in what is solely his; neither can the people by laws of their own making interfere with the owner's enjoyment of what is his alone.[3] Such a theory as this leaves no place for the law of the land or the authority of the estates of the realm when they conflict with the king's will.[4] The king himself is above the law, as both the author and giver of strength thereto. He is in no way bound to obey it but of his good will and for good example-giving to his subjects. The coronation oath is taken to God alone.[5] This is the absolutist doctrine of James. As we have seen before no Hindu theorist has propounded such an absolutist doctrine. The peculiarity of Hindu theories is an admixture of radical and conservative ideas. It blended them into a harmony. The theorists of the divine right of kings or kingship also recognized the hereditary character of succession. But it is alienable. The coronation sets, as it were, the popular election character of kingship although divinely ordained. The people can

1. Ibid., p. 307. See also J. R. Tanner, "Constitutional Documents of James I, 1603–1625", pp. 24–30.
2. Mc Ilwain, op. cit., P. XXXVII.
3. Ibid., op. cit., P. XXXVIII.
4. Ibid., op. cit., P. XXXIX.
5. Ibid., op. cit., P. XXXIX.

depose a king. They express it in the coronation ceremony. Whether a king is popularly elected or divinely ordained, he has to undergo a coronation ceremony. This is the means of popular control. Succession is alienable. It is deposable in Hindu theory. Again in the case of Hindu theory, the king must always observe the law of the land. Dharma overrides him. He is under the law. He is not above the law. Consequently, there is no necessity in Hindu theory for the distinction between the divine right of kings and kingship. The reasons why kings or kingship are deified are different in India from those in the West. All the checks to tyranny, deposition, even tyrannicide in some cases, in Hindu theory apply to kings who claim their power from God. In Hindu theory it is the law that is deified. It is the law that is supreme. It is Raja Dharma, Danda Niti (political science) that are deified and not the kings. Later these ideas degenerated into absolutist ideas because of the decay of Brahmanism. The progressive decay of democratic ideas to absolutist ones may be traced to Brahmanism itself. In spite of this, the Hindu theory never demanded passive obedience. Like in the West, the theory of divine right played a necessary part in the history of Hindu political thought. [1]

It will not be out of place if we summarise some of the main theories regarding deposition and tyrannicide

1. Tanner, op. cit., p. 8–9. (p. 4–9) for documents up to p. 22. See also J. N. Figgis, "The Divine Right of Kings", 2nd Edition, 1914, Chapter X.

in western political thought. When however we have allowed for certain qualifications it remains true that John of Salisbury maintains very emphatically that the tyrant has no rights against the people, and may justly and rightly be slain. It is not only lawful to kill the tyrant, but equitable and just, for it is right that he who takes the sword should perish by the sword.[1] It is clear from history that it is just to slay public tyrants and to set free the people for the service of God. The priests of the Lord reckon their slaughter to be an act of piety.[2] According to Mariana, by the assassination of Henry III, sovereigns can learn by this memorable teaching that impious projects do not remain without vengeance. Clement has made for himself a great name by assassinating Henry III. He has avenged murder for murder, and washed the blood of the Duke of Guise in the blood of the king. Suarez is of opinion that if the state is attacked by a tyrant, then murder, private murder is legitimate when it offers the sole means of deliverance.[3] In Hindu theories, the right of deposition and tyrannicide apply equally well to those

1. John of Salisbury (Policraticus III c. 15) III vol. of Library of European Political Thought, Edited by H. J. Laski, 1915, p. 143.

2. Ibid., p. 144.

3. Rev. R. H. Murray, 'Political Consequences of Reformation' p: 238. John of Salisbury was the first mediaeval writer to erect tyrannicide into a doctrine and defend it with reasoned arguments. See John Dickinson, 'The Stalisman Book of John of Salisbury' Intro. p. LXXII, see, pp. LXVI–LXXX.

whose titles are defective as well as to those who abuse power.

The check to tyrany may be broadly classified under two heads, preventive and retributive. Preventive checks may be defined as checks which by their very nature tend to prevent a king from degenerating into a tyrant. By retributive checks, kings are punished for wrongs committed by them. Preventive checks may be subdivided into internal preventive checks and external preventive checks. These external preventive checks may again be classified under two heads namely religious and political. Retributive checks are of three kinds namely fines, deposition and tyrannicide. After reviewing all theoretical checks at length, it will be hazardous to say that Hindu monarchy has always been arbitrary.

4

As I have discussed already in the introduction we are dealing here with ideas, concepts, rather than with historical facts. However, it would be interesting to see whether the theories we have discussed here have ever been materialized. So far as Ancient India is concerned, say up to the seventh century A. D. it is safe to say that they have been observed in actual practice. It is true that there were isolated cases of arbitrary rule in India. This has been made possible because there was a body which was conscious of its power and prestige, which viewed with the rulers for a share in government, which compromised with them as

a safeguard against popular anger. This body is the Priesthood (Brahmanism). It played the part of an enforcing machinery in Ancient India. Good Government in Ancient India was the result of mutual rivalry between Kshatriyas and Brahmans, each acted as a check on the other. Consequently the kings were not arbitrary. They were absolute. They turned arbitrary when the Brahmans turned arbitrary. The alliance in India has always been between the kings and priests. This traditional alliance has been broken by Buddha and Mahavira. They thundered against priestly caste. They emphasised elective theories. They unceasingly harped on the poverty of the people. They preached communism. They trained the monks in Democracy through their monasteries. They held heretical discussions in the villages, towns, and cities. They carried the movement to the masses. But Brahmanism survived the sledge-hammer attacks of Buddhism and Jainism, because Brahmans changed themselves. From beef-eaters they became converted to vegetarians. From sacrifice worshipers they turned into non-violent preachers. They invented myths, fortified their position, deified the kings, flattered the ministers, doped the masses and once more acted as a powerful check on kings.

But this revived Brahmanism soon began to decay. Society became static. It became non-expansive. The mechanical aspects of religion soon began to tell. The hypocritical structure that rested on uneasy foundations began to crumble. It lacked fresh infusion

of "new ethics." With the decay of Brahmanism began the rise of the arbitrary power of the kings. It was accentuated by political, economic and religious considerations. Politically India was devastated by central Asiatic barbarians. Economically, it was exploited; religiously, it refused to imbibe new ideas. The decay of Brahmanism means more than this. It meant the decay of enforcing machinery. There was no one to question the arbitrary character of the king. The movements that arose later periodically, unsuccessfully battered against the Himalayan structure of Brahmanism, only to be drowned in the stagnant pool of Brahmanism. All movements of revolt were reformist in character. They were circumscribed by institutions around. Their ideology could not soar above the current one. Hence today Brahmanism is the greatest contradiction in our Hindu civilization. [1]

This growth of arbitrary power could be seen even today in Indian States. The doctrine of paramountcy has already unearthed and curbed some of these exercises of arbitrary power. Summing up, in Ancient India kings were absolute but not arbitrary. They were not arbitrary because there was an enforcing machinery in Brahmans. They became arbitrary when Brahmans broke down.

1. Sir William Hell Warner "The Native States of India" 1910 Chapters X-XI.

V. PARALLELISM BETWEEN WESTERN AND INDIAN POLITICAL THOUGHT

The political thought of Europe was evolved out of the synthesis of the original ideas inherited from the Graeco-Romans with those cosmic ideas inherent in the Hebraic teachings which came to Europe with the preaching of Christianity.[1]

Early in the Dark Ages, the ideal of pluralistic discipline in the City State evolved by Hellenic political genius, or that of popular government based on the existence of rights and obligations on the part of the ruler and the ruled, as conceived by the formulators of Jus Naturale, went down before the conception of the omnipotent authority of the deified Imperator of Rome. With the establishment of the feudalistic regime and the enunciation of the salvation of mankind through the working of the dual discipline of the church and the empire regal authority came to be associated with a moral sanction, though for the time being the "Divine Right" idea was non-existent, and popular bodies continued to exercise their functions while turbulent nobles repudiated the claim of monarchs to allegiance. In course of the struggle between the Papacy and the

1. A. J. and R. W. Carlyle, "A History of Mediaeval Political Theory in the West", Vol. I. p. 2 & 3. "Modern political theory has arisen by a slow process of development out of the political theory of the ancient world." Cf. 82, 85, 103, (for influence of Judaism) 150-153, 157-9.

Empire, philosophers and divines like Thomas Aquinas fell back on the traditions of Roman law and formulated the idea of natural law being the basis of civil society. At the same time, devout churchmen struggled to prove the excellence of papal authority, while the adherents of the empire emphasised the divine sanction associated with the empire.[1]

Gradually, politics was freed from the influence of religion and with Bodin[2] and Machiavelli,[3] the modern theory of the political sovereignty of the State and its concept from the secular standpoint came to be formulated. About the same time another set of thinkers[4] advocating regal responsibility, harped on the divine right of kings, now freed from papal

1. J. N. Figgis, "Divine Right of Kings", 1914, p. 14.

2. J. W. Allen, "A History of Political Thought in the Sixteenth Century", 1928. pp. 407–425.

3. Geza Engelmann, "Political Philosophy from Plato to Jeremy Bentham", 1927, translated by K. F. Geiser, p. 115. Machiavelli has very often been admired and celebrated as the founder of modern political theory, because he was the first who completely separated politics from both religion and ethics and based exclusively upon human nature and the reasoning of individuals regarded as entirely selfish. Engelmann doubts this title to glory.

4. McIlwain, op. cit., P. XXVI (Introduction to King James). "The growth of the idea of divine right may be regarded as the second great result of the Jesuit doctrine". P. XXV. "It is hardly too much to say that it was in opposition to the Pope's indirect power which made the theory of the divine right of kings the gospel of practically all English Protestants in this age save such as could secure protection for their non-conformity only under a theory of independence or separation."

authority through the reformation. Partly with the opposition of orthodox churchmen and partly with the theocratic idealism of the Calvinists, these extreme theorists of divine right were attacked by men like Languit, Buchanan, Bellarmine and Mariana, who all attributed the rise of regal authority to the people's will and a mutual pact. In the next generation of political thinkers, we find a conflict between this divine right vested in kings through patriarchal succession from Adam[1] and the theory of popular election of kings justifying tyrannicide when kings ruled unrighteously.[2] In the course of this conflict when despotic regal authority came into clash with the interests and aspirations of the people, a number of thinkers propounded the origin of society in a contract between the ruler and the ruled. Hobbes who followed Hooker regarded the state of nature as one of war.[3] This state of war necessitated the laying down of conventions amongst the people and the establishment of a common superior who was to exercise authority though he was no party to a binding contract with the people. Authority once vested in the king was indivisible and perpetual, unless his conduct led to anarchy which alone justified revolution on the part of the subjects for their self-preservation.

1. Figgis, op. cit., pp. 148–160. Sir Robert Filmer "Patriarch" 1681.

2. Mariana, See Allen, p. 360–366. G. P. Gooch, "English Democratic Ideas in the Seventeenth Century", 1927, p. 22.

3. F. W. Coker, "Readings in Political Philosophy", Hobbes, pp. 303–306.

Influenced by circumstances, Hobbes showed a preference for monarchy and its authority. His successor, Locke,[1] on the contrary portrayed a state of nature which was an ideal condition of equality and freedom in which men were governed by the mutual law of reason. But as this "state was full of fears and dangers" men renounced, according to Locke, natural liberty in favour of civil liberty. Gradually a legislative authority was erected and the best men were elected to rulership. Thus, according to him, the legislative power of sovereigns was a fiduciary power for certain ends and was liable to removal in case of its arbitrary exercise. These theories held ground for a time and under their influence many publicists of Europe cried back to nature.[2] The Encyclopaedists like Montesquieu however advocated a moderate constitutional regime.[3] But as circumstances never became favourable for reform, it was reserved for Rousseau with his idealistic and deductive method to reformulate the "Contract Social" with a view to prove the entire dependence of regal authority upon popular choice and the real rule of the people.[4]

The history of Hindu political speculation, similarly, shows a conflict and ultimate synthesis of several currents and counter currents of ideas. The different

1. Coker, op. cit., 386-391, 391-393.

2. R. H. Murray. "The History of Political Science"; 1926. p. 232.

3. Coker, op. cit.. p. 474.

4. Ibid., p. 478, also 483-486.

angles of vision of the thinkers who looked at these problems from the ethical or the sacerdotal point of view have been discussed, and I have summarised the different theories arising out of their peculiar ways of viewing the problems. In the earlier stages of Indian speculation this sacerdotal influence was very great and politics was intimately connected with religion, as we have seen in connection with the ideas contained in Brahmanas. Gradually the ethical and social needs of man claimed greater attention and there came a tendency to look to these problems somewhat independently. This took place in the same age which saw the metaphysical speculations relating to the universal phenomena, and the same amount of abstraction was directed towards the solution of socio-ethical problems. The influence of these is found in the speculations about the origin of sovereignty, the need of a king and the concept of a state of nature which existed prior to the establishment of regal authority. These show indeed a parallelism of development so far as India and mediaeval Europe are concerned.

On many points we have little of essential differences. The Indian thinkers grappled with the same problems and anticipated many ideas of the mediaeval theorists. The speculations about the necessity of a common superior led them to postulate a state of nature. The concept of a state of nature has had its parallel in Europe. Hobbes, Locke and Rousseau all made it the basis of their political theories.

As the conceptions of Hobbes materially differed from those of Locke, even so, the two Indian concepts regarding this natural condition differed from each other. Hobbes' theory of a state of nature is almost the same as we find in the sixty seventh chapter of the Santi Parva, which regards the condition of man in a natural state as one of war. The theory of Locke is nearly similar to that of the propounders of the Dharma ideal. In chapter fifty-nine again, in formulating the importance of Danda, as the basis of state, Hindu thinkers anticipated many theories of the seventeenth century.

While we find a clear parallelism, we also find differences in the line of thought between Indian thinkers and those of the West. In most places relating to the origin and exercise of sovereign authority, we find Indian thinkers interposing the agency of the divine rulers, showing thereby the close dependence of political ideas or those relating to the universal system. This peculiarity is clearly noticeable as well as the fact that religion and the peculiar cosmic ideas made a deeper influence in India so far as the ethical ideas were concerned. Then again, the divine agents remained ever present in the Indian mind, and made the deepest impression in spite of the growth of a higher philosophy which directed itself towards the conception of the Absolute. While these gave a peculiar turn to Indian political speculation, divinity in social evolution gave rise to certain principles which have exercised their influence even to this day.

The causes are: first of all the Indians believed in a social existence which depended for its smooth working on the harmonious co-operation of sections, mutually interdependent, but not enjoying the same and equal social status. They believed in a Gothic structure of harmony on the ruins of social inequality. The castes which compsed the social structure were but parts of the same organization, though their functions and status were not the same. Social equality never became the ideal with Indian thinkers, save with Kshatriya thinkers like Buddha, Maha Vira and a few others. This was partly due to the fact that a composite society grew out of a social federation of races and tribes whose ethnic divergences and cultural differences made unification impossible. Such a type of social existence was conceived in view of the fact that it would ensure the socio-economic co-operation of sections and avoid at the same time the race war which would have been the necessary consequence of a hankering after a homogeneous social structure. The Indian mind, with a few exceptions, never yearned after equality but delighted in diversities. The political necessity of equality was circumscribed in a social hierarchy. It was explained away by the cries of Karma and Rebirth. Hence a strife of classes was unavoidable.

Secondly, a society composed of diverse ethnic elements required for its normal working a strong executive authority and a set of fundamental principles to guide the actions of the ruler. As such regal authority was erected on a stronger basis, and monarchy

became the ideal of Hindu political philosophers. But at the same time, the holder of the regal office was subjected to the fundamental laws of the disciplinary canon, both social and political. The scope of popular activity in matters of legislation was also narrowed down. Laws were allowed to evolve gradually and their interpretation was vested not in the multitude but in the wise exponents of real social opinion. Within their own folds, communities had the fullest scope in theory for democratic social life and their customs were regarded as valid. In social and economic matters too the representatives of the different sections had their recognized place. But the fundamental principles guiding social life as a whole were kept out of the reach of the multitude.

Thirdly, the elevation of the Brahman to the highest social position showed the seeds of decay. With it begins the decline and fall of Indian culture. It had its positive effect too. Wealth never became the standard or sole basis of political franchise. [1]

1. For literature on western theory :

Ivor Brown, "English Political Theory", chapter 5. Gurke, "Mediaeval Political Theoires", translated by F. W. Maitland, 1827, p. 30-37. J. Allen, "Political Thought in Sixteenth Century", chapter on Divine Rights of Kings.

C. H. Mc Ilwain, "The Growth of Political Thought in the West", 1932. Conclusion: 364-394. W. Lippman, "A Preface to Morals", 1929, p. 79, 265.

VI. CONCLUSION

Theories of resistance, deposition and tyrannicide are naturally inconsistent with the divine conception of kingship. Their justification comes only in an age in which duties and responsibilities on either side are postulated. On the other hand, the influence of a theory of divine origin would but lead to the inculcation of the king's inviolability and obedience to his authority irrespective of the manner of discharge of his functions. When the divine theory was enunciated by the despots of Europe, some of them like James I denounced opposition to their authority as something blasphemical. On the contrary the end of despotism was synchronous with the almost universal acceptance of the theories of social contract, as explained by Locke and Rousseau. But in India this theory had a different turn.

According to Figgis[1] the theory of the Divine Right of Kings in its completest form involves the following propositions:

1. Monarchy is a divinely ordained institution. We have seen that in later Hindu theory, the Brahmans held the same view.

2. Hereditary right is indefeasible. The succession to monarchy is regulated by the law of primogeniture. The right acquired by birth cannot be forfeited through any acts of usurpation of however long continuance by

1. Figgis, op. cit., p, 5.

any incapacity in the heir or by any act of deposition. So long as the heir lives, he is king by hereditary right, even though the usurping dynasty has reigned for a thousand years.

The Hindu theorist never held this extreme view. In the later theorists it became hereditary but the elective notion is involved in the coronation ceremony. It is a tacit approval of election. The theorists at the same time overruled primogeniture on the ground of incapacity. Even the reactionary Brahmin writers, emphasised the qualities of a prince. If he is incapacitated, although he is the first – born, he is debarred from the throne. In this respect, the Hindu theory differs from that of the West.

3. Kings are accountable to God alone.[1] Nasada believes in this extreme theory. Manu too holds the same view but he is self-contradictory. He makes him accountable in some ways. According to the Brahmin theory the Brahmans are the veritable Gods on earth. If a king transgresses he must expiate for his sins. In order to do that, he must amply reward the Brahmans. He must offer sacrifices to the Gods. All the offerings and gifts go to the pot-bellied Brahman. In other words the theory is equivalent to saying that kings are accountable to Brahmans. Otherwise Brahmans do not praise the kings. They defy the orthodox elective theory. They put upstarts investing them with divine powers. Law in Hindu theory is independent of the

1. Figgis, op. cit., p. 5.

king. It exists outside of him. Law is divinely ordained i. e., Brahmin-made. In Hindu theory a mixed monarchy is not a contradiction of terms.

4. Non-resistance and passive obedience are enjoined by God.[1] The Hindu theorists advocated resistance. Only Kamandaka does not advocate tyrannicide. All other theorists advocate resistance. The Brahmans themselves resisted the power of the kings. The theistic checks alone are their inventions. Non-resistance and passive obedience are enjoined by Brahmans so long as it suited their purposes. When it did not suit their purposes, they recommended resistance.

The divine right of kings never existed in India in its extreme form. All that the Hindu theory emphasised was the divine origin of the institution. It did not logically deduce the necessary implications as in the West. It would be better to speak of "Brahmin theory of kings or kingship in India" instead of "Divine Right of kings or kingship in India".

1. Figgis, op. cit., p. 6.